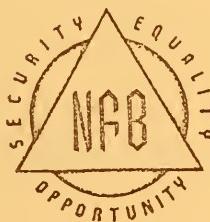


THE BRAILLE MONITOR

INKPRINT EDITION

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



The National Federation of the Blind is not an organization speaking for the blind—it is the blind speaking for themselves.

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THE BRAILLE MONITOR

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* * * * *

If you or a friend wish to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto NATIONAL FEDERATION OF THE BLIND, a District of Columbia non-profit corporation, the sum of \$ ____ (or, "____ percent of my net estate", or "the following stocks and bonds: ____") to be used for its worthy purposes on behalf of blind persons and to be held and administered by direction of its Executive Committee."

If your wishes are more complex, you may have your attorney communicate with the Berkeley Office for other suggested forms.

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CHANGE OF ADDRESS FOR CONVENTION DOOR PRIZES

Door prizes have now become a tradition at NFB Conventions, and certainly South Carolina is planning to honor this tradition by preparing a host of prizes for the Columbia convention in July. Miss Lois V. Boltin, President of the South Carolina Aurora Club of the Blind, is also Chairman of the NFB Door Prize Committee. All persons and groups planning to send door prizes should address them to Miss Boltin, care of Seibels, Bruce and Company, 1501 Lady Street, Columbia, South Carolina 29201. And we do hope that many individuals and organizations (state and local) are planning an all-out effort to gather prizes.

* * * * *

SING OUT FEDERATION!

I thought blind people were very musical. Perhaps the Federation has disproportionately fewer musicians than the rest of the population. Anyway, the great flood of songs for the official NFB song contest is just a trickle. We passed a deadline with very few results.

If it will give someone that last ounce of courage and hope he needs, we can extend the date for a few months. That takes us to the middle of May. Don't keep us waiting longer than that because we will have to have a final circulation of entries among the committee members.

Gain your fame in the Federation! Write a song!

Full statement of the rules are in the August, 1968 Monitor, but briefly they are: words must be original and appropriate; tune may be new or old; written copy of words and tape recorded copy of song should be submitted for best chance at evaluation. The decision will be made at this year's convention. The winner receives \$25. We have some entries, but there is room for more.

Please note my new address:

Thomas Bickford
7815 Darby Road
Hyattsville, Maryland 20784

* * * * *

PLANS ALL SET FOR NATIONAL CONVENTION
by
Don Capps

South Carolinians are hard at work so that the 1969 National Federation of the Blind Convention will be the most successful to date. We are certainly honored that the National Convention is to be held in Columbia, capital city of South Carolina, and each of you will be given a hospitable reception.

Reservations

The Hotel Wade Hampton is located on the northwest corner of Main and Gervais Streets in downtown Columbia. It is a modern, air-conditioned hotel with a cafeteria, drug store, barbershop, and beauty parlor on the premises.

The hotel can be entered from the Main or Gervais Street side. Entering from the Main Street side, you will find the cafeteria to your right. The cafeteria is open from 6:30 a.m. to 9:00 p.m. Breakfast, lunch and dinner are offered during these hours at very moderate prices.

The drug store is located to your left as you enter from the Main Street side and to your right from the Gervais Street side. Personal toilet articles and various sundries are sold in the drug store. A soda fountain is located in the drug store; sandwiches, crackers and carbonated drinks can be purchased at the fountain. The drug store is open from 7:00 a.m. to 8:30 p.m.

The barbershop is located off the lobby and is open from 7:00 a.m. to 6:00 p.m. except on Friday and the hours on Friday are from 8:00 a.m. to 12:00 noon.

The beauty parlor entrance is located on the Gervais Street side. The parlor is open from 8:00 a.m. to 6:00 p.m. and is closed on Monday and Sunday.

As you enter the lobby from the Main Street entrance, the elevators are to your left and entering from the Gervais Street entrance they are to your right. There is also an elevator at the motor service entrance at the rear of the hotel from the Gervais Street side.

Registration will be held in the foyer which is located on the second floor of the hotel. You will find the registration desks directly in front of you as you leave the elevator.

If you haven't yet sent in your reservations, you should do so without delay-TODAY. Reservations should be sent to the Reservations Manager, Hotel Wade Hampton, Columbia, South Carolina 29201-and be sure to mention that you are attending the NFB convention so that you will be entitled to the special rates which are extremely low.

Restaurants

Aside from the eating facilities already described, there are several other places located close to the Hotel Wade Hampton.

The Market Restaurant is located on the corner of Gervais and Assembly Streets, one block west of the Wade Hampton. The Market is open from 11:00 a.m. to 11:15 p.m., closed on Sundays. The specialty of the house is seafood and lobster, but steaks and regular meals can be obtained. You will find the prices are varied depending upon your selection.

The S & S Cafeteria is located three blocks east of the Wade Hampton on Gervais Street. The cafeteria has tasty food and the price range is comparable to most cafeterias. The S & S is open from 11:00 a.m. to 2:15 p.m. and 5:00 p.m. to 8:00 p.m.

Morrison's Cafeteria is located at the corner of Sumter and Washington Streets; go two blocks north on Main Street to Washington and one block east on Washington to Sumter. The hours for Morrison's are 11:00 a.m. to 2:00 p.m. and from 5:00 p.m. to 8:00 p.m.

The Friendly Cafeteria is located two blocks north on Main Street. The hours for the cafeteria are lunch, 11:00 a.m. to 2:30 p.m. and from 5:00 p.m. to 8:00 p.m.

Shimmy's Steak House is located one and a half blocks from the Wade Hampton as you go one block north on Main and turn to your left one half block on Lady Street. Shimmy's is known for their steaks, but seafood and regular meals can be purchased. Their prices are ranged to fit everyone's pocketbook!

The popular Pancake House is located on Assembly Street only three blocks from the hotel, as you go one block west on Gervais and two blocks south on Assembly.

One block north of the hotel, on the northwest corner of Main and Lady, is located the Downtowner Restaurant which is also excellent. The restaurant is open from 6:00 a.m. to 10:00 p.m. serving three complete meals a day. You will find the food very tasty and reasonably priced.

If you want to "live-it-up" one night, the Town House Restaurant is located five blocks east of the hotel on Gervais Street. Its hours are 7:00 a.m. to 10:00 p.m. They have a full range of foods, as well as comprehensive seafood and steak menus. Imported beer and wines, whatever your appetite, can be selected. Dinners range from \$3.75 to \$8.00. Several other restaurants are located near the hotel and you will have no difficulty in finding a suitable place to dine.

Prizes

Our door prize committee is one of several convention committees which have been hard at work securing attractive door prizes for lucky delegates. Be sure not to leave the meeting room while the program is in session, as your name might be called for one of these valuable prizes. A reminder to all state affiliates to send as soon as possible your door prize to:

Miss Lois Boltin, Chairman Door Prize Committee
Seibels Bruce and Company
1501 Lady Street
Columbia, South Carolina 29201

Banquet

In the Ballroom, second floor, on Thursday, July 3, 7:30 p.m. an excellent meal has been planned and the cost of the tickets will be the lowest in several years.

Governor McNair to Host Delegates

South Carolina's Chief Executive, Governor Robert E. McNair, will be on hand to greet all NFB delegates at a special reception to be held at the state capitol, located just across Gervais Street from the convention hotel. This gala occasion will take place on Monday, June 30, between 5:00 p.m. and 7:00 p.m. It will be the first time such a reception has been given at a state capitol for an NFB convention, headed up by the state's chief executive.

Governor McNair will have his entire staff on hand to assist delegates. The reception will include a guided tour of the historic capitol.

The Capitol Building was begun in 1855. Monuments and portraits of famous South Carolinians are found throughout the building and the grounds. The Stars on the west exterior mark hits of Sherman's cannonballs during the 1865 bombardment. The building has outstanding interior design, fine woodwork, ornamental ironwork, and exhibits of the Sword of State and the Mace.

Visit the Aurora Center for the Blind and the S. C. Commission for the Blind

The South Carolina Aurora Club of the Blind is proud of its Aurora Center for the Blind and also proud of the South Carolina Commission for the Blind. You will certainly want to make plans to visit both the Aurora Center and the Commission. While the program agenda will be crowded, always the case with NFB conventions, it is recommended that you plan to visit the Aurora Center and the Commission on Monday, June 30. There will be persons on hand to warmly greet you and give you a meaningful tour of the facilities.

The Commission is located at 1400 Main Street, only two blocks north of the convention hotel. The Aurora Club's thirty-six passenger bus, "The Aurora Express", will be available to transport delegates from the hotel to the Aurora Center, 119 S. Kilbourne Road.

Places to Visit in Columbia and South Carolina

Unlike most cities, Columbia is a city created by an act of the Legislature in 1786. The State capitol is located precisely in the middle of the city and divides east and west and north and south. In addition to visiting the state capitol, there are many other historic points of interest.

President Woodrow Wilson's boyhood home is located just a few blocks from the hotel on the corner of Hampton and Henderson Streets.

The First Baptist Church, 1306 Hampton Street, was built in 1859. The first secession convention met here, December 17, 1860, but was moved to Charleston due to a smallpox epidemic.

Boyleston House and Gardens, across from the Governor's Mansion, was built in the 1820's and recognized at one time as "among the most beautiful private gardens found anywhere in the United States."

The South Carolina Governor's Mansion was built in 1856 to serve as officers' quarters for a state operated military school known as Arsenal Academy. The magnificent white-stuccoed home at 800 Richland Street is the official residence for South Carolina Governors.

Trinity Episcopal Church and Churchyard, across from the State House grounds, was built in 1864. The church is a reproduction on a small scale of York Minister in England. In the churchyard near the famous old "Governor's Oak" are the graves of five South Carolina governors and other prominent state citizens.

The South Caroliniana Library is located on the University of South Carolina campus. Built in 1840, it is the oldest separate college library in the nation. It contains many fine portraits and busts of historic South Carolinians.

The University of South Carolina is one of six colleges and universities in Columbia. Of particular interest are the Russell House (student union building) and the Capstone House, an 18 story residence hall having a revolving restaurant—one of seven in the world.

The State Archives Building houses public records beginning in 1670 of the government of South Carolina. Confederate relic room and museum contain momentos of the War Between the States and Reconstruction Period in South Carolina.

The Carolina Coliseum is the latest construction to go up in the city. This beautiful multi-million dollar University of South Carolina facility has a seating capacity of 13,500. Various types of functions are held in the coliseum.

Remember we have already arranged an outstanding tour of Charleston for you which was covered in detail in the October Monitor, which includes a visit to Fort Sumter, a southern plantation and to the first theatre in the country. All of you know that Charleston is one of the nation's oldest cities.

Places to Visit over the State

Myrtle Beach: Many of you will want to come early and stay over for a few days after the convention to visit many other attractions in the Palmetto State. Myrtle Beach is one of the finest beach resorts on the eastern coast.

Myrtle Beach is the charm of leisurely seashore living blended with the convenience of modern city facilities for those who choose to visit the beach. Myrtle Beach offers boating, swimming and fishing in both the Atlantic and inland lakes.

Brookgreen Gardens offers acres of landscaped and planted estate adorned by some of the nation's most beautiful and noteworthy statuary. Plantation homes are open for tours, and historic points abound. Myrtle Beach Air Force Base, home for jet fighters, is also open for tours.

Amusement parks, recreation centers, seaside pavilions with dancing and games, boardwalks, famed restaurants and movie theatres are there for your pleasure.

Fripp Island, a two and a half hour drive from Columbia, offers a tourist subtropical beauty and climate. This resort was developed slowly to retain its natural beauty. Deer stroll on the beaches, birdlife is fully protected, and lush tropical vegetation can still be found. Filled with dense, tropical foliage, Fripp Island is certainly a fun-living paradise for residents and vacationers.

The beautiful and historic Hilton Head Island was first discovered by the Spanish and finally claimed for the British Crown by the seafarer, Capt. William Hilton in 1663. Hilton Head Island offers the finest in casual living for the active, the tired—or retired! Hilton Head also has subtropical climate with lovely, white beaches. Sports there are the same the year around—fishing, golfing, riding, tennis, boating, water skiing or exploring.

Being one of the original Thirteen Colonies, South Carolina is rich in the nation's history. Several Revolutionary War battles were fought on South Carolina soil; the Battle of Cowpens and Kings Mountain.

Many of the battles fought during the War Between the States occurred in South Carolina including several at Charleston.

South Carolina is also proud of its state parks which are large in number. The parks are scattered over the state from the mountains in the extreme northwest section of the state to the eastern seashore. Some of these are Oconee State Park near Walhalla and Table Rock State Park near Pickens, both of which are located in the mountains and Myrtle Beach State Park as well as Edisto Beach State Park, both of which are located on the seashore.

Again, we repeat that you will find the people of South Carolina to be warm and friendly and you are bound to enjoy your visit.

Make your reservations now and don't delay!!

* * * * *

HOWARD BROWN RICKARD SCHOLARSHIP

Nature of Scholarship

The Howard Brown Rickard Scholarship, administered by the National Federation of the Blind, is to be awarded each year to legally blind university students studying for a professional degree as specified below. Scholarships may vary from \$250 to \$1,250 per year. Payments will be made, one-half at the beginning of the fall and spring semesters, or one-third at the beginning of each of three quarters.

This scholarship was established by a bequest of Thomas E. Rickard in honor of his father, Howard Brown Rickard.

Who is Eligible

Any legally blind university student in the professions of law, medicine, engineering, architecture, and the natural sciences, including undergraduates in these fields.

How to Apply

Fill out completely the attached application and mail to Russell Kletzing, Chairman, Rickard Scholarship Committee, National Federation of the Blind, 1571 Fifth Street, Sacramento, California 95814, by June 1.

HOWARD BROWN RICKARD SCHOLARSHIP APPLICATION

Applicant's Full Name _____ Age _____ Sex _____

Address _____ Street _____ Phone _____

City _____ State _____ Zip Code _____

Home Address _____ Street _____ Phone _____
(Permanent) _____

City _____ State _____ Zip Code _____

High School Attended _____ City _____

College Now Attending _____ City _____

Number of Units Completed by End of Present Term _____

Colleges Previously Attended: (Indicate the year you attended college and total number of units completed at each college.)

_____ From _____ To _____ Units _____

_____ From _____ To _____ Units _____

Major Subject _____

List name and amount of any scholarships you have received or are receiving:

Attach the following:

1. Transcripts from all colleges attended. (If you are entering college, attach high school transcript.)
2. A statement in 250 words of your reason for applying for this scholarship and how it will assist you to achieve a professional goal including, if you wish, information about your financial situation.

Date

Signature

Make sure all spaces are filled in and mail application by June 1 to:

Russell Kletzing, Chairman
Rickard Scholarship Committee
National Federation of the Blind
1571 Fifth Street
Sacramento, California 95814

IS FOREIGN LANGUAGE ALIEN TO THE BLIND?

The Foohey-Jernigan Correspondence

January 7, 1969

Dr. Kenneth Jernigan,
President
National Federation of the Blind

Dear Dr. Jernigan:

I am writing for information concerning the experiences of blind people taking instruction in foreign languages. I am employed by the Federal government in Canada as an economist specializing in manpower problems. It has become clear that the probability of further advancement in the Public Service is related to whether or not I can work effectively in French as well as in English.

My application for admission to the government's language school has been turned down on the ground that, being blind, I could not be taught in any of their courses. Informal efforts to bring about a change in this ruling have proved fruitless, so I must prepare a formal submission to the Public Service Commission, which runs the school.

I was wondering whether you could make available from your records information concerning the following matters:

(1) What success have blind people had studying and later making use of foreign languages? During the NFB Convention last July (which, incidentally, I found to be a bit of a revelation), I was told that your State Department had recruited blind university graduates to be trained as interpreters of Russian.

(2) How well have blind people been able to cope with audiovisual methods of instruction? I am told that our school uses the Saint-Cloud method and that, at the early stages of instruction, this method is highly audiovisual. I have had six years of school and university French and additional private instruction in Conversational French. An independent expert has told me that I am well beyond the level where instruction is audiovisual. However, the audiovisual content of early instruction is being used as a talking point against me.

(3) How do blind people cope with the portions of an examination that require them to describe a picture? I am told that I cannot be examined because a portion of the examination consists of pictures and that, without these pictures, established norms do not apply.

(4) Can you suggest institutions or persons to whom I should write for further information?

Any information or suggestions you can give me will be warmly appreciated.

Yours sincerely,

D. E. Foohey,
Planning Division

January 21, 1969

Dr. D. E. Foohey, Planning Division
Atlantic Development Board
Sir Guy Carleton Building
161 Laurier Avenue West
Ottawa 4, Canada

Dear Dr. Foohey:

This will reply to your letter of January 7 concerning the success of blind persons in studying and using languages. I must say that I find your story very nearly astounding. To suggest that any educated person in our society would seriously question the competence of blind persons in the field of languages smacks more of the last century than the present.

In our country literally hundreds of blind people successfully cope with college courses in French, German, and other languages. Many blind people teach these subjects in the public schools and at the college level.

Here in the state of Iowa, for instance, we have a young lady who is teaching French in a public high school. She has been totally blind since birth. This is not an isolated instance. Another young woman of my acquaintance majored in Russian at Georgetown University and graduated with honors. Subsequently she was accepted to do graduate work in Russian at the University of Chicago. The fact that she decided to get married instead of going on with her graduate work simply emphasized again the normality of blind people. Incidentally, her undergraduate minor was in French, which she handles with fluency.

Your questions about audiovisual methods require comment. As mankind was emerging from the stone age, he wrote by means of pictures. His progress into civilization required refinement of concept, involving the use of syllables and then an alphabet. To be sure, pictures and other devices may be helpful; but they are, at best, frosting on the cake. The purpose of language is to speak and write; not to see pictures.

Even so, the imaginative blind person (unless he confronts a totally unimaginative instructor and school situation) can cope with audiovisual devices. Indeed, there may have to be some explanation of a picture, but the picture is peripheral to language in the first place.

The situation is somewhat comparable to the question of laboratory sciences for the blind. I myself am not a language specialist, but I am totally blind (having been so since

birth), and I have taken a good deal of biology and physics in college

Obviously I could not literally see the litmus paper change color or observe the wriggling of a worm upon the dissecting table. However, I could and did acquire the information to be obtained from the experiments, and I could and did pass biology courses with honor credits. I needed to understand, interpret, and function. Sight would have been one method of acquiring these attributes, but there were alternative techniques.

I repeat that I find your letter very nearly astounding. If you wish me to do so, I can send you detailed lists of blind persons who are functioning in the field of languages. However, the individual who would ask you to collect such a list is most unlikely to be impressed by it. The same is true of an individual who would ask you to marshal the facts to prove to him that the world is not flat.

Very truly yours,

Kenneth Jernigan, President
National Federation of the Blind

* * * * *

OUR DISABILITY BILL GOES IN

[Editor's Note: Congressman James A. Burke of Massachusetts has introduced in the 91st Congress the NFB's Disability Insurance for the Blind Bill, H.R. 3782. Recently Congressman Burke sent a letter to every member of the House of Representatives urging support and co-authorship of this measure. Following are excerpts from his letter.]

Dear Colleague:

On January 16, 1969, I introduced H.R. 3782, a bill to amend Title II of the Social Security Act to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits.

In introducing this measure, I am carrying on the work of our colleague, Cecil R. King of California, to secure improved disability insurance consideration, and thus, improved and broadened livelihood and living opportunities for our blind fellow citizens.

I am proud and happy to carry on this fight and am writing this letter to invite you to join me in this fight to benefit and assist blind men and women who have already done so much to prove their ability to help themselves, whose determination to refuse hopelessness and inactivity has earned for them the admiration and respect of all sighted Americans.

H.R. 3782 would do two things: It would allow a person who is blind as defined in the Social Security Act, to qualify for disability insurance payments after working six quarters in Social Security covered work, and it would allow them to continue to draw disability insurance payments so long as they remain blind, irrespective of their earnings.

Under existing law, a person must work five of the ten years prior to the time of applying for disability insurance payments benefits in order to establish eligibility for such benefits

To many blind persons, able to work although blind but unable to secure work because they are blind—or unable to secure work of long and steady duration because they are blind—my requirement of employment for a year and a half instead of five years in Social Security covered jobs, is much more realistic and reasonable. . . .

H.R. 3782 as a Federal law would make the disability insurance program, a true and effective insurance program for blind persons.

Nor, is H.R. 3782 a novel and unaccepted proposal in Congress.

In 1964 the United States Senate adopted a disability insurance for the blind bill by voice vote without a voice raised in opposition—but you will recall, the House-Senate Conferees failed to agree on a Social Security amending bill that year.

In 1965, under the sponsorship of Senator Vance Hartke of Indiana, the Senate, by a vote of 78 to 11, adopted the disability insurance for the blind proposal as an amendment of the Social Security measure pending before the Senate.

In spite of the overwhelming support given to this legislation beneficial to the blind by the Senate, the House-Senate conference on Social Security matters failed to approve this bill

In 1967, when Senator Hartke introduced the disability insurance for the blind bill in the Senate, he was joined by 57 of his distinguished Senatorial colleagues. As a matter of fact, when the Committee on Finance met in executive consideration of Social Security amending proposals, the Committee unanimously gave its endorsements to the blind disability insurance bill.

When the House-Senate conferees met to act and agree upon Social Security issues, they adopted one provision of the disability insurance for the blind bill—establishing the generally accepted definition of blindness (20/200 etc.) as the standard of visual loss for qualifying for disability insurance benefit payments.

With this established record of Congressional approval of H.R. 3782, the Disability Insurance for the Blind proposal, it is my sincere hope that the 91st Congress will give its full endorsement to this measure.

As an indication of House support, I am writing to ask you to introduce a bill identical to my bill, H.R. 3782.

In conclusion, I would state firmly and unequivocally, that the disability insurance for the blind bill does not seek to give preferential consideration to the blind. H.R. 3782 is “equalizing” legislation. It would not confer some unmerited or unneeded special privilege

on the blind. Rather, it would serve to help the blind to better manage to live and work, blind.

Sincerely,

James A. Burke
Member of Congress

* * * * *

MINNESOTA LEGISLATURE HEARS IT FROM THE BLIND

by
Lawrence Marcelino

[Editor's Note: In response to a request to the National Federation of the Blind for assistance from the organized blind of Minnesota, President Jernigan sent Lawrence (Muzzy) Marcelino to St. Paul. Following is Muzzy's delightful account of that experience.]

It was January 14, 1969, a time when the Asian flu epidemic was at its peak among the National Federation of the Blind, that I arrived in Saint Paul and was told by Ingwald Gunderson that I was to join him and a delegation of other blind at a hearing of the Senate Committee on Social Welfare at eight of the clock in the morning. He went on without stopping to assign the topics which I was to speak on.

"But Ingwald," I protested. "Eight o'clock will be in the middle of the night and it will be bitter, bitter cold. Have a heart, good Ingwald."

But he did not, so at five minutes before eight, a taxi driver extricated me from his cab in front of the State Capitol where I went into shock as I beheld a long flight of stairs, each stair covered with ice and snow. What an exciting adventure was the ascent; I shall never forget it.

At the hearing, I learned that the Committee had called this meeting for the express purpose of hearing the legislative program of the State's organized blind.

Ingwald, Jim Schleppergerl, and I presented our arguments for enactment of a Model White Cane Law, a State Commission for the Blind, repeal of responsibility of relatives, abolition of liens and repealing the lien provisions from the statutes, abolishing durational residence requirements, amending the aid to the blind law to require that a recipient be given 30 days notice in advance of any reduction in his grant, enactment of a measure establishing the flat grant principle in aid to the blind, establishing a three-man appeals board in aid to the blind rather than to have appeals heard by referees hired by the welfare department, and other dandy proposals. It was a fine presentation and members of the Committee asked frequent questions.

After we concluded our presentations, the Chairman came out into the hall and spoke to the leaders of Minnesota's blind. He asked that they prepare written arguments in support

of each of the proposals. Thereupon, we went to the Home for the Blind which is owned and run by the Minnesota Organization of the Blind and went to work preparing the arguments. This project kept us busy and working very hard until late in the afternoon.

That night, came the great event at the Capps Town Motel banquet room. It was a banquet given by the organized blind of Minnesota for the members of the State Legislature. More than fifty legislators were present and heard us again present the legislative program and to advance the arguments in support and why each measure was needed. I noticed at the conclusion of the banquet that Lorraine Arvidson and Carl Larsen, leaders of the United Blind of Minnesota, were right in there pitching, that is, talking individually with members of the Legislature in support of the proposals.

I spoke to a few legislators also and found them very agreeable to the proposals and very friendly to the blind.

If I may make a personal comment here, it is to express my gratitude to the blind of Minnesota for their warm reception, their very kind remarks to me, their genuine friendship, and their generous hospitality. It was fraternalism at its best.

* * * * *

BLINDED EX-PILOT'S TESTIMONY HEARD

[Editor's Note: Over the past years more than 1,000 Americans have visited Cuba—unexpectedly. Some thirty U. S. planes have been hijacked. Following is the story of one ex-pilot's experience who tried to stop a hijacking some eight years ago. Reprinted from the Oakland (California) Tribune.]

A blind former airline pilot was led into the court of Superior Court Judge Thomas F. McBride to testify about "cockpit security." The jury case involved \$7 million sought by heirs of many of the 44 persons killed in the crash of an airliner more than four years ago.

Captain Oscar Cleal, blinded by a bullet fired at Chico in 1961 when he sought to resist the hijacking of his plane, was led to the stand by his secretary. Now a Menlo Park stockbroker, Cleal said he had carried on a campaign to provide "positive cockpit security for crewman against hijackers, psychopaths and drunks."

Under interrogation by attorneys Albert Abramson and Edward M. Digardi for the plaintiffs, Cleal said he had sent his recommendations to the director of operations of Pacific Airlines, Inc., the firm which had employed him. And when a Pacific airliner dropped from the skies off Tassajara Road, bringing the 41 passengers and three crewmen to their deaths after the pilot and copilot had been shot, Cleal reiterated his recommendations in a letter to the company operations director, he testified.

He proposed the commander should be armed, the cockpit door locked, handcuffs should be issued to the crew and that members of the crew should be trained in judo. Cleal said he actually set up a judo course and that Ray De Andress, co-pilot of the ill-fated

airliner, was among the officers who underwent training.

A challenging question was put to Cleal by Atty. Lawrason Driscoll, representing Pacific Airlines, about the effectiveness of his pilot safety proposals. The lawyer asked what Cleal would do if a berserk passenger or hijacker threatened to kill a stewardess at gunpoint unless he opened the cockpit door. The one-time Pacific Airlines commander said he would unhesitatingly open the door if her life was endangered.

* * * * *

IT HAPPENED IN SACRAMENTO

[Editor's Note: Dr. Kingsley Price, blind professor of philosophy at Johns Hopkins University, is teaching this year at the University of California, Davis campus. He is a long-time Federationist and was recently on a business trip for the University. As he sought to board a Greyhound bus in Sacramento, things began to happen—but let Professor Price tell his own story.]

Dear Editor:

As you know, in recent years the organized blind in this country have made some progress in securing legal recognition of the fact that they possess rights of the same kind as do other citizens. In White Cane Laws passed by some states, the public acknowledges one of these rights. It is the right to travel as freely and in as untrammeled a fashion as anyone else. You know, of course, that there is always a considerable discrepancy between legal recognition and actual practice; but it may be of interest to you and to my fellow readers of the Monitor, to know how actual practice has, in two recent cases, seriously infringed upon the right to travel of this particular blind person.

The first concerns the Western Greyhound Lines, and I shall recount it in the following passages quoted from a letter that I wrote to the manager of its branch in Sacramento, California.

November 4, 1968

Mr. W. Ragan
Western Greyhound Lines
7th and L Streets
Sacramento, California

Dear Mr. Ragan:

At about 6:15 p.m., October 21, 1968, I purchased a round trip ticket at the Sacramento station of Western Greyhound Lines for Austin, Texas. I was going there on University business. At approximately 7:30 p.m. of the same day, I gave my ticket to a driver at the gate through which one boarded the express bus for Los Angeles. It was to take me to Fresno on the first leg of my journey.

A friend accompanied me through the gate; and after giving my ticket to the driver, and receiving back from him all but the portion that covered the travel to Fresno, I asked the driver if my friend might help me with my luggage on board the bus. The driver asked if he were going with me; I replied that he was not. He repeated the question and received the same reply. He said that I could not get on the bus, and thrust the ticket covering the Fresno portion of the journey into my hand. To the question "Why?", he replied that blind people were not allowed to travel on the bus unless they took others with them.

I objected to him that he was mistaken. He replied that that was the law. I replied that having traveled a great deal unassisted, I was quite able to continue the practice. He replied that he knew: "I expected him to watch me." I replied that I neither expected it nor wanted it. He said that he knew: "I expected other people to watch." I replied that I had paid for my ticket, that that document was a contract into which the Greyhound Lines had entered with me, that I expected the service that I had contracted for, and that I was going to get on the bus.

"You won't get on my car. Don't you get on 8408," was the driver's reply several times repeated. "You see the dispatcher" was another refrain interspersed several times among the driver's admonitions not to get on his car.

The driver of car 8408, almost from the beginning, and before a large number of persons including one of the students at my university, shouted his remarks, and behaved in a manner deliberately and calculatedly offensive. By his insulting behavior, not to mention his threat of depriving me of a means to travel, this driver caused me acute embarrassment and extreme anguish. It is difficult to avoid the inference that he was deliberately holding me up for ridicule before those present on grounds of being blind.

I found the dispatcher, and told him that the driver would not permit me to board the bus. The dispatcher said, more politely than had the driver, that I could not travel unless I took someone with me, and that that was the law. He offered to give me a document so that the person with me might read the regulation. I told him that I was acquainted with it, and that his interpretation of it was mistaken. After a little more discussion, he departed, and shortly returned, saying that I might get on 8412.

I boarded car 8412 and enjoyed as easy a trip to Texas as anyone can have on a bus.

Will you be so kind as to let me know the answers to three questions? (1) Do you condone the practice of deliberate offensiveness, engaged in by the driver of 8408; (2) Do you allow your drivers to decide whom they shall permit to enter the cars they drive; (3) Do you interpret the regulation concerned as asserting that blindness, as such, is a sufficient reason for precluding travel on your lines by those whom it characterizes?

Very Sincerely yours,

Kingsley Price

I never have received a reply to my letter. A few weeks after sending it, I sent a copy of it to Mr. Ragan, asking for an answer. Somewhere near the middle of December, a representative of Mr. Ragan's office came to see me, made a handsome apology, and left a

card with a note on it to the effect that he wanted all drivers of Greyhound buses to be courteous to me. He did not seem to understand that the old regulation permitted a blind person to take a guide with him at reduced fare, but did not require that he always travel in such company. And he seemed to know nothing of recent legal recognition of our right to travel.

In Austin, Texas, the eastern destination of my bus trip, I discovered what I had not known before—that there was a train that ran between Sacramento and Austin. Bus travel, as you know, is bad enough in itself; and with the added impropriety of not being sure that I could get on one to come home, or avoid being insulted if I did, I decided to come back to California by train. I telephoned a travel agency in Austin, and ordered my ticket. The next day, I got into a cab and went to the agency. The cab driver—a college student in Austin—asked if I would like him to go in with me; and he came along. The receptionist telephoned the man in charge of rail tickets, whose office was a little removed from the front of the building. When he came in after a good deal of mumbling and obvious embarrassment, he informed me he could not let me have the ticket. I could not travel by myself, he said; and unless someone were going with me, it would be impossible to get a ticket. I told him that I had traveled on trains frequently across the country, and had done it in France, Italy and England during a good part of the last summer. The receptionist said to him that if I had done all that traveling, it was pretty silly of him not to sell me a ticket; and the cab driver was even more forceful and open in his contempt for such a position. The agent finally withdrew to his office, and let the receptionist know by telephone that she could give me the ticket. I returned to California by train.

In this case, as in that involving the Western Greyhound Lines, the agent was misinterpreting the old regulation about sighted guides. I do not know whether Texas law recognizes our right to travel; but it was perfectly clear that Mr. Williams—for that was the agent's name—never had conceived the possibility that we might possess it.

Sincerely,

Kingsley Price

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NFB STUDENT DIVISION NEWSLETTER
JANUARY 1969

If you have been reading the Braille Monitor, you are aware of some of the activities of blind students in the Federation which have occurred since July when the Student Division sponsored a Seminar for blind students immediately following the NFB Convention in Des Moines. This report will briefly recount activities of the Student Division since July, and it will bring you up to date on developments that took place at the meeting of the Executive Committee on January 4.

Early in August several blind students, along with other NFB members, spent several days in Illinois, contacting blind people there to inform them about the NFB and its

affiliates. Several Illinois residents had asked for assistance in forming a new Illinois affiliate, and that was accomplished on August 10.

On December 28, twenty students who are members of the Illinois Congress of the Blind met to form an organization. Officers of this Illinois group of students are: President, Camile Myers (Loyola University); Vice President, Charles Bermingham (University of Illinois); Secretary-treasurer, Gayle Seebeck (Foreman High School). These Illinois students have determined to find out exactly what is provided for in Illinois law regarding services to the blind.

Miss Loretta Loshuk is actively working toward the formation of an organization of blind students in Ohio.

Blind students organized in New York on September 28. Officers elected are as follows: President, Myrna Schmidt; Vice President, Mr. Hollis Fitt; Secretary, Robert Rodriguez; and Treasurer, Dr. Edwin Lewinson. The group has undertaken as its first project a study of the compensation to readers for blind students by New York State. On December 7, Jeannie Chambers and Bob Hunt were instrumental in forming the West Virginia Federation of Blind Students.

Student Division President, James Gashel, attended the annual Convention of the Michigan Council of the Blind in an effort to assist blind students at Wayne State University who have had difficulty obtaining a policy from the state agency of paying for reader service. The agency has felt that volunteer reader service which is arranged for is adequate, but the students disagree. Several articles pertaining to this condition have appeared in the Braille Monitor.

We are gratified with the continued demand for our Handbook for Blind College Students. Originally, 5,000 copies of it were printed—3,000 of them were distributed by the Library of Congress; 2,000 of them were distributed by the NFB Student Division. An additional printing was necessary early last fall. There are still limited copies in print available from the Student Division. Write to Judy Young, 6414 Madison Avenue, Des Moines, Iowa. In addition, some Braille copies have been printed and distributed to Regional Libraries. We are currently investigating the feasibility of printing additional Braille "Handbooks." We hope to have these available in the near future.

Federationists are now familiar with Dr. Isabelle Grant's work with blind people around the world. For several years she has been collecting old Braille books, Braille paper, slates, styluses, and any other equipment she can get to send to blind students in many countries. These are people she has become acquainted with during her travels, and they are students of teachers she has met. She began to get more requests and materials to be sent than she could handle alone. Therefore, she asked the Student Division for assistance, and, certainly, we are glad to participate in such a worthwhile project.

Creig Slayton is now in charge of the gathering and distribution of this material. He is enlisting the help of other students located near him. If you have material, or if you know of someone else who has material for this project, it should be sent to Books for the Blind Overseas, Box 447, Iowa City, Iowa 52240.

It has been decided not to print a third edition of the Directory of Blind College Students. Rather, it is being replaced by a card file of blind students. We believe that this will be an improvement over the Directory, because it can be kept up to date constantly. Mrs. Jo Slayton is currently in charge of maintaining this file. Changes of addresses and new names should be sent to her at 2312 Muscatine Avenue, Iowa City, Iowa 52240. She can fill reasonable requests for information regarding blind students with a major in a given field or located in a given locality or state.

Our membership has been growing at a rapid rate through the summer and fall months. However, we know that there are still many students who do not know enough about the NFB and the Student Division. Therefore, we urge all members to continue to tell friends and acquaintances about both organizations and their philosophy and activities. Any NFB member can join the Student Division by sending two dollars dues to the treasurer, Judy Young, 6414 Madison Avenue, Des Moines, Iowa 50322. Judy would like to have names, addresses, major fields of study, and universities attended, so that all members can be included in our card file.

The Executive Committee of the Student Division met in Des Moines, Iowa, on January 4. After reviewing the work and accomplishments of the fall months, it projected plans for the spring and summer.

The Student Division is developing a questionnaire regarding standard practices and policies of agencies serving blind college students. It will be circulated both to rehabilitation agencies and to blind students. We hope this study will indicate the similarities and differences in services throughout the country. We believe this information will be valuable to both agencies and blind students. Therefore, we plan to make the results of the study public.

Of course, the Student Division is continuing to contact new members and form new local and state organizations of blind students. We now have dynamic members in several states, who are leading the formation of new organizations and projects. Any member who wants assistance in forming a student group should contact the President, James Gashel, 2303 Olive Street, Cedar Falls, Iowa 50613.

There seemed to be a consensus at the Student Seminar in Des Moines, July 6, 1968, that it had been very profitable for all who participated. Naturally, even then there were suggestions for improvements. Therefore, there will be a 1969 Student Seminar on July 5 in Columbia, South Carolina, Saturday, immediately following the NFB 1969 Convention. Anyone who is interested is invited to attend and participate in this day of discussions. We hope that each State will be represented by at least one blind student. Affiliate presidents are also invited. The plans for the Seminar are flexible at this point. We are asking that all students submit proposed topics for consideration by April 1. All suggestions in this regard should be sent without delay to the President, James Gashel. You will be informed shortly before the Convention on more specific Seminar details.

Check the Braille Monitor for a monthly account of major projects of the Student Division, along with NFB news.

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MEET OUR STATE PRESIDENT—LOIS V. BOLTIN,
AND OUR STATE AFFILIATE—SOUTH CAROLINA



[Editor's Note: This is another
in the series being run
monthly in The Monitor.]

Shortly after Lindbergh made his famous solo transatlantic flight my birth was recorded. It was of little interest to anyone other than my middle-aged farm parents.

At the age of nine I attended Cedar Spring, the South Carolina State School for the Blind, from which I graduated.

Since there were no funds for college, it was necessary for me to find employment. I operated two sub-marginal concession stands under the Division for the Blind, Department of Public Welfare and a third one for an individual.

At the San Francisco convention in 1956, I was made aware of many job opportunities for the blind including that of PBX switchboard operation. I was interested in this field of employment and after taking training in 1958 at the Minneapolis Society for the Blind, I went to work in June of 1959 for Kohn and Company, Women's Apparel, where I worked for five years. In August of 1964 I was employed by Seibels, Bruce Insurance Company and am pleased to be associated with this old established firm. We will celebrate our centennial this year.

I became a member of the Columbia Aurora Club in 1952. Since that time I have served two two-year terms as president of the Columbia Chapter (1958-1959) (1963-1964). I have also served on the state board as state treasurer and I have served as state president since 1966. The Aurora Club was founded in 1944 by Dr. Samuel M. Lawton. He felt that there was a need for blind persons to get together in order that they might help those less active both socially and spiritually. We have three chapters located in Charleston, Columbia, and Spartanburg. Charleston sells candy for its fundraising, while Columbia and Spartanburg sponsor barbecue suppers.

We became a chartered state organization in 1956 when we affiliated with the National Federation of the Blind. The primary purpose of the South Carolina Aurora Club is to upgrade the social, spiritual and economic well-being of the blind.

In order to improve the economic status of the blind, we have spent much time and effort on needed legislation. In 1958 legislation was passed granting blind persons in South Carolina an extra exemption on state income taxes, which has proven most beneficial. In 1961 we had the appropriation for aid to needy blind increased. The stand operators benefited in 1964 when the set aside bill was passed. Previously this money had been collected from the stand operators as a reserve. Our biggest triumph in legislation was in 1966 when the South Carolina Commission for the Blind bill was passed. This year we plan to again ask the legislature to raise the appropriation for aid to the needy blind, which is very much needed.

The South Carolina Aurora Club of the Blind has other accomplishments. We have a White Cane Fund available for both personal and business interest-free loans. Several individuals, including the writer, have been given financial assistance for training. We also own a concession stand in the Richland County Courthouse which furnishes employment for one of our members.

The erection of the Columbia Aurora Center in 1961 is tangible evidence of the progress we have made. This year for the first time the Aurora Center is open on a full-time basis which will serve the blind in many ways in our area.

We are very proud of the accomplishments we have made since our organization.

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INSURING THE HANDICAPPED—MYTH OR REALITY

[Editor's Note: The following article appeared in a recent issue of Performance, the journal of the President's Committee on Employment of the Handicapped. It dissolves some ever-recurring myths.]

There are three persistent myths that often stand in the way of fair treatment for handicapped job applicants, all centering around insurance practices, and all quite false.

These are the mythical excuses sometimes offered in a misinformed personnel office to deny the handicapped person a job:

“Sorry, but your handicap will make you more prone to accidents around the shop.”

“I'd really like to hire you, but my workmen's compensation rates will go up, and I just can't afford to take you on.”

“I'd hire you on the spot, but really, my insurance company won't let me hire the handicapped.”

To dissolve these myths and other areas of misunderstanding concerning the handicapped and insurance, the American Mutual Insurance Alliance has recently published, in cooperation with the President's Committee, a pamphlet outlining the position of the insurance industry.

"The very fact that insurers are among the leaders in rehabilitation and placement of impaired workers refutes the idea that they oppose hiring the handicapped," the leaflet states.

A message to employers from the Alliance serves as a preamble. "Your workmen's compensation insurance carrier wholeheartedly encourages you to hire handicapped workers. Be assured that workmen's compensation insurers do not penalize an employer for hiring disabled persons."

The leaflet cites the U.S. Department of Labor surveys which show that the handicapped have fewer disabling injuries than the average worker exposed to the same work hazards. They have about the same number of minor injuries on the job. "Since they are not inherently 'unsafe,' the handicapped cannot adversely affect workmen's compensation rates," the leaflet continues. "These rates are based solely on the relative hazards of a company's operations and on the company's accident experience."

Property-liability insurers, according to the leaflet, have repeatedly pointed to the performance records of the vast majority of handicapped workers. They are loyal workers, and their over-all quit rate is about the same as for other employees. When placed in jobs they can handle, handicapped workers as a group produce at slightly higher rates than unimpaired workers.

The pamphlet suggests a five-point personnel approach to hiring the handicapped:

"Stop thinking of impaired people as 'disabled.' This description was adopted to soften the word 'crippled,' but the connotations of 'disabled' are even more painful. The word implies across-the-board inability to perform, and this is not true.

"Don't dismiss the idea of employing impaired workers without finding out what they can do—on a fair and equitable basis.

"Let these workers compete. Many people, in a sincere effort to help, actually make things more difficult for the handicapped. Their human and economic needs are best served when they can become self-supporting and thereby make their contribution as self-reliant members of society.

"Recognize the handicapped as individuals—and deal with them that way. Sometimes their physical problems limit the scope of their activities, but they should be considered and recognized for their individual skills.

"Don't patronize people with physical disabilities. The handicapped don't want to be coddled or fussed over."

The pamphlet [available on request from the President's Committee] concludes on a

final note of advice to avoid viewing the hiring of such workers as an amalgam of philanthropy, altruism, and pity.

"Actually," it states, "the process requires no exceptional qualifications of the employer, no special combination of time, place, or circumstances The only problem lies in being able to look beyond the applicant's disability to the basic employment question: Can the man do the job?"

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BLIND IOWANS LOOK AT LEGISLATION

by

Kenneth Shedenhelm

Stating that the Disability Bill introduced by Congressman James Burke of Massachusetts is probably, "The most important single piece of legislation ever introduced in this nation for the blind," NFB President, Kenneth Jernigan, urged that the blind of Des Moines (and elsewhere) initiate an intensive letter writing campaign to secure passage of H.R. 3782. Mr. Jernigan continued by indicating to a substantial number of members and guests attending the regular meeting of the Des Moines Association for the Blind that this letter writing campaign will be most effective if it is an organized effort which includes the following four steps: (1) letters to the local Congressmen; (2) letters to the two state Senators; (3) letters to Wilbur Mills, Chairman of the Ways and Means Committee; (4) an intensive one day effort to accomplish the preceding three points. The NFB President concluded his discussion of the Disability Bill by indicating that, although there is no blind person in this nation who will not benefit potentially from this bill, many states are without sponsors as yet.

Turning his attention to state legislation, Mr. Jernigan indicated that he believes that Iowa's proposed "Little Randolph Sheppard" Act has a good chance of being enacted. This act will give the Iowa Commission for the Blind first option for vending stand and restaurant operations in all state, county, and municipal buildings, save educational and mental institutions, on a rent-free basis.

Before the meeting was adjourned, Mr. John Taylor, Assistant Director in charge of Field Operations of the Iowa Commission for the Blind, discussed proposed state legislation in greater depth. Mr. Taylor stated that the twenty-five percent reduction in Aid to the Blind funds which Governor Ray has proposed would undoubtedly mean either a reduced number of recipients or a smaller grant per person unless an administrative change is being contemplated, which is not known at this time. Moreover, Mr. Taylor indicated that the blind of Iowa were seeking two specific changes in the Welfare Laws per se. In the first place, abolition will be sought of claims on estates of citizens who once received A. B. payments. As Mr. Taylor explained, claims are not, in reality, often filed because they are not economical; however, as the law is now, the state can legally file claims against estates even if the person did not receive A. B. at the time of death. Secondly, it is hoped that A. B. payments can be increased to a minimum of \$140 per month. In addition to the \$140 payment, a personal property exemption of \$1,500 for a single person will hopefully

become part of this overall "minimum income" program, along with the federally required earned income exemption of \$85 per month plus one-half the excess, and an exemption of income for twelve months if a person is on an approved plan of self support.

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NEW STUDENT DIVISION

by

David Konkel

Nearly forty blind persons met in Berkeley on Saturday, February 8th, to organize a Northern California Student Division of the California Council of the Blind. The meeting's high degree of success brought promise of a bright future for Northern California's blind student movement. Enthusiastic participation and the universal spirit of cooperation combined to produce our area's most significant student meeting to date.

The meeting began with a well articulated introduction by Judy Wilkinson of Berkeley. The talk outlined the various problems affecting the blind which make organization a necessity. These problems and their potential solutions were dealt with in greater detail by the group and panel discussion which followed. Recognizing the need for immediate and direct action, the group expressed a strong desire to avoid the extended rhetoric and personal rivalries that have all too often side-tracked other organizations of the blind. With this positive direction the group was able to efficiently handle the ensuing technical formalities of organization.

After a brief discussion the constitution was adopted. The NCSD officers were elected as follows: President, David Konkel, Berkeley; Vice-President, Jerry Neufeld, Berkeley; Secretary, Esther Salata, Chico; Treasurer, Kent Moganum, Sacramento; Delegate to the California Council of the Blind convention, Corrine Cunningham, Danville; Alternate Delegate, Jeanie Moore, Sacramento

The selection of committees, the meeting's final organizational action, further illustrated both the division's geographical balance and its orientation toward action. The Grievance Committee, headed by Jerry Neufeld, was established to deal with the problems of individual blind students. This Committee has already shown our division's potential for action by changing a college administration ruling which prohibited a blind student from residing in a dormitory. The Legislative Committee, chaired by Jan McEwen of Berkeley, was established to deal with legislation affecting blind persons. The committee is presently directing its efforts toward passage of a fair housing bill and a bill establishing a commission for the blind. Paul Bose of Fresno was chosen as the chairman of the Fund Raising Committee. Judy Wilkinson was appointed as chairman of the committee that is to act as the liaison between the Northern California Student Division and the Council's Committee on Employment Assistance. Lynda Bardis of Sacramento was chosen as head of the Membership Committee. The Special Projects Committee, headed by Kent Moganum, has initiated a project to catalogue all braille and tape materials of California students. The final committee to be selected was the Committee on Public Relations chaired by Paul Watson of Danville.

The NCSD's next meeting will be held in conjunction with the Southern California Student Division at the Convention of the California Council of the Blind in May. If our group's desire for action is shared by the Southern California Division, then we can look forward to a consolidation that will provide an even greater foundation for action.

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WHY COMMUNICATE?

by

A. A. Fisher

[Editor's Note: Mr. Fisher is Advertising Manager for The White Cane, the publication of the Washington State Association of the Blind. As Mr. Fuller ably points out, you don't need an organization to hold a part in a play, but you cannot play a part without one. Every organization should have a newsletter.]

Organizations, like individuals, should occasionally take stock of themselves. Programs and priorities should be reviewed to assess their worth and relevance. The alternative is to invite disaster, because old programs and methods may not meet the needs of new problems and new situations. Or they may need some additions or some slight overhauling to enhance the possibility of achieving goals sooner or in a more effective way. This includes looking at the means of communication both internal and external—in the case of the Washington State Association of the Blind, the White Cane magazine, which is my particular concern. It is to the subject of the importance of communication to the organization that I want to direct my remarks. Not just abstractly or in an academic way, but concretely as to how we might work together and think together to guarantee that the job that needs to be done will be done in this state relative to the very real needs and aspirations of the blind. How soon we will begin to see results depends on how well we do our home work; how well we think things through and apply ourselves to achieving results here and now, and not be content to wait for pie in the sky.

Take the Braille Monitor—it is an outstanding magazine in its field, serving the needs of the National Federation of the Blind very well. I hope everyone is reading it. It is full of important information relating to your programs and needs. Article after article bring to you stories of struggles taking place all over the country: battles against discrimination in employment, operation of businesses, the precious right to travel, and even the right to buy insurance. It also reports achievements, the winning of the right to practice a chosen profession, or work at a trade, the passage of legislation or the establishment of more effective state institutions affecting the welfare of the blind.

An article appeared in the September 1968 issue of the Braille Monitor, pages 215-217. It is a copy of a letter written by Dr. Newel Perry, president of the California Council of the Blind to Mrs. Phayla Johnson, secretary of the Iowa Association of the Blind, May 29, 1946, just before the annual convention of that state. It is a challenging letter and still very much up-to-date. I want to refer to three paragraphs; that is, parts of two and the third one in its entirety:

"The weak can defend themselves from the strong only by uniting their individual efforts. This is the universal truth which all history teaches . . . The blind are weak economically. Their number is small. The demand for their labor is practically nil. Their poverty subjects them to much humiliation . . . Unlike the blind, other members of society meet a similar situation by resorting to the labor union, using the strike as a weapon. Why did not the blind resort to the strike? Obviously because no demand for the labor of the blind existed. What then should the blind do? While it is true that the principle of the strike cannot be made use of by the blind, it is nevertheless true that a resort to organization can still yield benefits to them. Organization of the blind will provide them with a means of propaganda, and it has frequently been demonstrated that a united effort at propaganda can succeed, and has succeeded in raising the blind man's standard of living. To propagandize requires courage, and membership in an organization will provide both courage and strength."

I would like to point out here that the right to propagandize, the right to strike, are founded upon the Bill of Rights first amendment to the Constitution of the United States, the amendment providing for the rights of freedom of speech and freedom of the press. And like all rights, it requires a bit of exercise now and then to have any meaning at all.

Many questions could be discussed in connection with the above, but what I want to stress most is the role and importance of communication. Through the pages of The White Cane, or whatever medium you use, we need to accurately analyze and report the true state of affairs in the State of Washington which affect the blind, to disseminate ideas that will become an organizer and mobilizer of support necessary to obtain satisfactory solutions to problems we know exist in this state. And how do we determine what those solutions will be? What sort of process or commitment is required to meet the situation? First of all, there are no easy solutions. If we want meaningful progress we must pay the price attached to it. As the old saying goes, the price of liberty is eternal vigilance. But the returns can be very great indeed. In fact, the end result can be a new way of living, a whole new dimension and quality of life; happy, meaningful and productive. Are we capable of working out solutions to problems? I am sure we are if we put our minds to it, and if we are sensitive to the problems and needs of our constituency. A little bit of creative thinking, plus an energetic campaign of organizing and educating people to persuade them to become involved in the battle can bring results. Reaching people is the real key to success. Communication is essential to an organization, and no organization which expects to accomplish its purpose overlooks this important aspect, this important tool in its arsenal.

I was keenly interested in the remarks of the three students of the Olympia Vocational and Technical Institute before the Board meeting October 19, 1968. The Thurston County Association is to be commended for taking an interest and seeing that these men came to the Board to present their case. What these men told us of their difficulties in seeking employment in the fields for which they have been so well trained illustrates the kind of problems that ought to be of vital concern to the Association and to The White Cane magazine. Another case in point concerns attempted discrimination against Tom Bush up in Issaquah, which was well reported in the October and November issues of The White Cane. It is to solve problems like these that the Association exists. That is the name of the game. To generate the power necessary to correct injustices, and to pass legislation like the White Cane Law needed for more permanent solutions to problems of discrimination in employment and in the field of mobility should be a primary concern. You don't need the

WSAB to hold a part or for social entertainment, but you do need it to communicate your ideas and programs to people if solutions to the real and vital concerns of your people are ever to be found.

When President Kenneth Jernigan was here for the WSAB convention last summer, he explained at great length the advantages of having welfare and other agencies for the blind in a separate commission for the blind, and not as part of the general welfare agencies of the State. He also stressed that such a commission should be run by the blind themselves since no one else can fully appreciate the problems nor adequately represent the blind. As you know, Kenneth Jernigan heads up such a Commission in his home state of Iowa, a commission established only because the blind in Iowa under the leadership of Kenneth Jernigan convinced the state government of the necessity for it. Other states have also moved or are moving in the direction of separate commissions for the blind, including our neighboring state of Idaho. It would seem that this would be a very fruitful proposition to discuss and to determine whether or not such a move should be on the agenda in this state.

Another article in the Braille Monitor for April 1968, page 957, entitled "The Welfare Rights Movement and the Guaranteed Annual Income", by Ed Spannaus of Columbia University School of Social Work, from which he recently graduated (Mr. Spannaus also attended the University of Washington at one time.) deals at some length with the subject matter and offers his proposals as a substitute or replacement for present welfare systems which consist of layer upon layer of highly lucrative, administrative and social worker positions for thousands of people, while the pittance allowed to trickle down to those in need barely allows for keeping body and soul together. And what is perhaps worse, it represents a most humiliating and degrading relationship for those forced to seek assistance. Whether or not his proposed solutions represent adequate solutions or not, it might be a good subject for debate. Nevertheless, his article represents a serious attempt to tackle the problem of poverty in this country.

If you want to see programs developed to answer these and many other problems, then take your rightful place in the front ranks. If you want to see something happen, then make it happen. Challenge the status quo. Be a mover and shaker. It may not be an easy road to take, but it can be a very rewarding one. Remember every good program starts with an idea, and it might just be some small contribution that is needed to start the ball rolling. It is when we pool our ideas and our efforts that things can come to life. Just as many other groups throughout the land, minorities and otherwise, are continuing to take up the battle for their rights and freedoms, so also must the blind, who are themselves a very small minority. As Dr. tenBroek once said, the blind were pioneers in the field. Much has been accomplished in the past, but there is a long way to go yet. As long as there is one problem left anywhere, the job is not done. The eternal truth of the matter is that progress is an open-ended, unfolding drama of life for those who keep in the swim of things and do not get themselves trapped in dead-end roads, and above all for those who master the techniques of effective communication.

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THE FIRST STEP

[Editor's Note: The following is taken from the Annual Report of the newly-established Idaho Commission for the Blind and shows real progress. The promise which future steps hold for the development of services in Idaho is particularly bright because of the sound philosophy on which the programs of the Idaho Commission are founded.]

Fiscal 1968 in Idaho saw the transfer of services to the blind of the state from the Department of Public Assistance to the newly created and established Commission for the Blind. The Department of Public Assistance provided services for the first three months and on October 1 the Commission assumed responsibility for this program. After consideration of the needs of the blind in Idaho, and with the knowledge and review of programs for the blind in other states, the Commission began total reorganization with a change of philosophy, emphasis and scope of services, public relations, and overall goals.

The basic change was one of philosophy—the change from which all progress can stem. The program of the Commission is no longer one filled with protective restrictions that limit opportunity—that, in fact, defeat the very purpose of the Commission which is to assist the blind to achieve their normal status in community life. Such protection allows only for second-class citizens. However, the belief that the blind are normal people with a physical nuisance to overcome, and the knowledge that equality of opportunity must be made available, will lead to complete economic and social integration of blind citizens. . . .

Home teaching provides special skills and new techniques of blindness to blind persons in their homes. In all parts of Idaho blind persons will learn that blindness need not be as tragic and limiting as most people consider it to be. Blind Idahoans will learn of the accomplishments of other blind people throughout the country and of the jobs they are holding—many totally blind persons are working every day as lawyers, machinists, factory workers, farmers, and even as scientists and electricians. With proper training, a blind person can be a successful housewife, school teacher or almost anything else. Blind persons can learn to travel independently through city traffic or in rural areas. This is done by using the new “long cane” technique. The home teacher will provide instruction in Braille, typing, cooking and sewing techniques. It may be that an individual will need intensive training in travel and other techniques mentioned at an Orientation and Adjustment Center. At present there is no such Center in Idaho; however, special arrangements will be made to meet individual need for such intensive training.

Rehabilitation is designed to help the blind achieve self-support. The Commission rehabilitation counselors help blind Idahoans get the training they need and will assist them in finding jobs. One of the Commission's major efforts is to try to educate the public to the fact that the blind are not helpless but are simply normal people who cannot see—that is, if they have proper training and if they have an opportunity to work. . . .

The real problem of blindness is not the loss of eyesight. The real problem is the misunderstanding and lack of information which exists. If a blind person has proper training, and if he has opportunity, blindness is only a physical nuisance.

The Commission knows that the blind are full citizens and it can help them to acquire

the many alternative techniques to carry on as fully competitive participating members of the community.

On December 1, 1967 Mr. Kenneth Hopkins joined the Commission as executive director and secretary to the Commission and began development of the program. At that time the Commission's offices were located in three small rooms in the back half of the Annex 3, a small house purchased by the state and converted to offices. During the first part of December the director was the only full-time employee.

The growth of the Commission was most difficult in these three rooms but staff development did begin. Shortly thereafter a secretary was employed to assist with correspondence, establish sound record keeping and filing systems and serve as receptionist. Further, at this time initial office equipment and furnishings were obtained establishing greater office efficiency. Shortly thereafter an accountant was hired bringing about better fiscal procedures, which enabled the Commission to take full advantage of federal funds available. Further additions to the staff at this time were a home teacher and a travel instructor.

At this juncture, staff expansion was curtailed by the physical aspects of the office. One small room was the director's office. The second room, formerly a kitchen, was used by both the home teacher and the travel instructor. Both of these individuals used the same desk and neither ever had the opportunity to interview a client privately. In the third room, the largest of the three, there were two file cabinets, the secretary's desk and the accountant's desk. This room was also used as a reception area for the public and many times the accountant was forced to put aside her work to allow the door to be opened to let people enter into the offices.

However, near the end of May new quarters were located. The director had a private office; the secretary and accountant had ample room to work; and the home teacher and travel instructor, although still not having privacy, had their own desk areas to work.

Additional space was available for the employment of a rehabilitation counselor whose duties are to locate blind persons and indicate services available, identifying those services needed by the blind individual and providing them to him to prepare him to once again enter the competitive labor market. Further, the counselor contacts employers to tell them of the abilities and capacities of blind persons and to initiate the establishment of a climate in which blind persons can become successfully employed. With this staff, the program, taking a first step to meet the needs of the blind in Idaho, was established. . . .

As another example of the services provided by the Commission, in the first days of our reorganization the blind college students were indicating concern with the services they had been receiving. The Commission, at that time, encouraged individual blind persons and the Gem State Blind to establish a student federation to bring all the students together to discuss their problems and to help find the solutions for the problems they face in college and as young professionals. As a result of these discussions concerning the students' needs, the Commission identified several problem areas and established policies providing reader service and maintenance sufficient to meet the needs of the students thereby eliminating unnecessary concern of the students allowing them to compete on a more equal basis. . . .

The home teacher identified and provided services to twelve individuals and already six blind Idahoans, in just the last five months, have received intensive training in travel, braille, typing, and activities of daily living. As a result of this effort, the number of persons requesting services with employment as a goal, mushroomed from forty-five to eighty-one individuals.

The effective rehabilitation of a blind person resulting in his full employment is both time consuming and expensive. Very often a newly blinded person, after initial planning, will undergo intensive orientation and adjustment training and perhaps vocational training, or obtain a college degree. To consider the expense involved in the rehabilitation of a blind person is to consider only part of the question. Two blind persons living on public assistance will, in their lifetimes, on the average consume tax dollars in an amount more than the annual investment in the Commission's program. Hence, even if the Commission rehabilitates only two blind persons per year, it would result in an overall saving to the state just in terms of tax dollars used for public assistance. This fact is more significant when it is realized that many blind persons have families also receiving public assistance. Although the rehabilitation of a blind person can be justified economically, this approach does not take into account the benefits derived by the individual in terms of his dignity or maintaining his role in his family, nor his value as a citizen paying taxes. The Commission has already rehabilitated three blind persons who are employed at an average monthly income of \$320.00. This indeed is a significant step toward providing good and effective services for the blind, and it has been accomplished with an overall saving of tax dollars for the state. . . .

To make progress in meeting the needs of people needing and awaiting services, the result of which will be their full employment, the Commission will, during fiscal 1969, expand its staff of six to a total of thirteen. To the staff of six in June of 1968 we will add a stenographer for the counselors and home teachers, two counselors, two home teachers, an orientation instructor and a small business enterprise supervisor. The small business enterprise supervisor would be in charge of the development of a vending stand program and the establishment of other small business enterprises in Idaho.

At the present time one vending stand is in operation in the State Capitol building in Boise. Another stand is being negotiated for in the newly built St. Maries Federal Building. Throughout Idaho there should be a minimum of fifteen such stands providing opportunity to blind persons to become successful small businessmen.

The expanded staff, with adequate funds and continuous support, will result in the gainful employment of several times as many blind Idahoans as were employed in fiscal 1968. This indeed would be a tremendous stride forward.

In January the Commission established orientation and adjustment training in Boise. This training allows the Commission to provide a well rounded program of services to the blind in Idaho. As this is a new program in our state, it might be well to say a few words about its meaning. . . .

The Commission has worked closely with the organized blind; for if ever a dynamic

program is to be established, it will be the result of the Gem State Blind and the Commission working together....

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MAN WITH A WHITE CANE

by

Tom Conroy

[Editor's Note: The following is reprinted from the Kernel Publications, Contra Costa, California. Tom Conroy is a newspaper columnist and public relations official. He writes of the blind with a sensitive and sensible pen. While Mr. Conroy has not had any family contact with blindness, he came into contact with blind veterans while he was himself a patient in Naval hospitals following World War II.]

Little old ladies offer Fred Masters their seats on buses. Unknown men offer to carry his luggage. Waitresses are hesitant to serve him hot coffee for fear he'll burn himself. Fred is not crippled, he is healthy and only thirty-five years of age, of sound limb and mind. The reason for all this concern on the part of strangers, is that Fred carries a white cane indicating that he is blind.

Fred uses the white cane as a tool, nothing more. But to passing people on the street, the white cane is a symbol of a man who is blind and in need of help. For Fred it is no such thing. It is a guiding tool which gets him about. It is not a cane to support a lame man. The white cane is not a symbol of a man needing help, but only a usable tool.

Blindness has hampered Fred, of course. In a world built on sight, lack of it is naturally an obstacle. But for Fred, and thousands like him, being blind is not an incapacity which should condemn him to a life of dependency. In the animal kingdom, blindness means almost certain death. In the world of humans, it means living in the shadows hidden from view. Yet today, the blind are a participating part of our society working in many varied jobs. The inability to read is a great handicap. But the eyes are not the only source for gathering information. People like Fred Masters do a great deal of seeing by instinct, with ears, nose and touch. The mind grasps all these stimuli into mental pictures.

Society is in error to assume the blind are totally helpless. It is this attitude which is the biggest handicap the blind must face. The greater part of the blind population is making their living off of their handicap instead of their skills. They are imprisoned in institutionalized positions weaving baskets or other trades where they work with their hands. And to this degree the blind are not free.

There is a great waste of humanity by the blind being institutionalized and cut off from the rest of society. Blind children should be integrated into classrooms of children with sight. The blind should have opportunities to become teachers, lawyers, and other professional careers. They should be allowed to live active constructive roles in our society. The white cane should be regarded as a tool, and not a crutch.

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A LETTER FROM AN OUTSTANDING YOUNG MAN
Jernigan-Acosta Correspondence

[Editor's Note: Readers of the March, 1969 issue of the Braille Monitor will recall an article telling of the high honor accorded Robert Acosta, a blind teacher in Southern California, when he was selected as one of the ten Outstanding Young Men of America by the U. S. Junior Chamber of Commerce. Following is Mr. Acosta's letter to the President of the National Federation of the Blind and Mr. Jernigan's reply.]

Dear Mr. Jernigan:

I am writing to share some very exciting news with you. I have just been notified that I have been selected by the U. S. Jaycees as one of the Ten Outstanding Young Men of America. I shall receive my award on Saturday, January 18, 1969, in Syracuse, New York.

Past recipients of this award have been such notables as John Kennedy, Robert Kennedy, and Richard Nixon. And here they go and give an award to a lowly teacher from Chatsworth High.

I do not consider this to be my personal victory, for I am but a cog in a great movement, namely, the Federation. I am going to praise the Federation to the heights and I shall proudly accept this honor as a Federationist. Mr. Jernigan, I would deem it a great honor if you could see your way clear to attend the ceremonies. They will be held at the War Memorial Auditorium in Syracuse. They shall begin promptly at 8 p.m. I know that your schedule is probably quite full, but please know that I would consider it a great honor to have you in attendance. Should you be able to come, please write the Jaycees of Syracuse for any further information which you should desire.

After watching great Federationists like yourself, Russ Kletzing and Tony Mannino in action, the movement is a very important part of me. I am a young man in a hurry and I shall work twice as hard to advance our great cause.

Great things are happening to me due to this pending award. My district administrators are now in quite a hurry to resolve my problem or rather their problem concerning my blindness. I shall soon be a permanent teacher, I suspect. I am going to meet with the Board of Education next Tuesday so that they may commend me for this great honor. This certainly can't hurt my chances and it will help the other blind teachers in the District.

With regard to our proposed teachers' division, I plan to formulate a simply worded constitution. I shall send you a draft and would certainly welcome any suggestions. I am also working closely with Russ Kletzing on this matter. He has given me some very sound advice. Perhaps we could propose the organization at our annual teachers' luncheon at the Convention. Perhaps you would like us to hold a special meeting for the above matter.

I hope to see you at the Ceremonies.

Yours sincerely,

Robert Acosta

Dear Bob:

Congratulations! I am sure that I need not tell you how delighted I was to learn of your selection as one of the Ten Outstanding Young Men of America. It reflects credit upon the Federation and upon all blind people, but it also reflects much credit upon you yourself. This is the sort of thing which will forward our movement and bring us closer to the day of true equality and integration for the blind.

Your letter was postmarked January 10. It reached me today, January 17. Under the circumstances it is impossible for me to be in Syracuse tomorrow for the ceremonies, much as I would like to do so. The matter is complicated by the fact that I have been in bed with the flu all week. I will be with you in spirit and I know that all of the other Federationists throughout the country and the world will do likewise.

The plans for the teachers' division sound fine. Let me see your draft constitution as soon as it is available. In the meantime, I will be in touch with you regarding the details of getting the division under way.

Again, congratulations!

Cordially,

Kenneth Jernigan, President
National Federation of the Blind

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PROPERTY LIMITATIONS IN AID TO THE BLIND

Any really adequate plan of public assistance for the blind must contain in the act itself what may be termed an initial zone of security consisting of exempt earnings and property which cannot be changed or abolished by arbitrary or capricious administrative rule or regulation. Without this essential feature, the law would be robbed of all inspirational value and reduced to the level of a measure merely to relieve stark poverty. Those blind men and women, former recipients of aid, who have achieved complete self-support through the operation of progressive property provisions, have given the most eloquent kind of testimony possible for a plan of public assistance which provides for adequate income and property exemptions.

Let's look at the present situation among the states with respect to property limitations in Aid to the Blind. First, that property used as a home—thirty-eight of the fifty states put no limit on the value of such property as a qualification for aid. In the twelve remaining states, the limitation on the value of a home varies from \$2,500 in one state; \$3,000 in three states; \$4,500 in two states; \$5,000 in two states; \$6,000 in one state; \$8,000 in two states; and \$10,000 in one state.

Second, real property not used as a home: forty-one states do not permit the

ownership of any real property except the home. If such property is yielding an income, two states permit up to \$1,000 in value of other real property; two up to \$5,000; one up to \$8,000; and four states place no limitation on the amount of such real property provided it is producing income for the recipient.

Third, personal property, that is, cash, securities, and cash surrender value of insurance: Again, this varies widely among the states; four of them permitting the ownership of no cash or other liquid assets at all, requiring complete destitution; twelve states permit an amount of from \$150 to \$500; twenty-two states set limits from \$500 to \$1,000; and only twelve states place their limitations on personal property between \$1,000 and \$1,500.

In determining the upper limits which can be placed on real and personal property holdings, the regulations of the Federal Department of Health, Education, and Welfare are controlling since every state feels it must continue to receive federal financial participation in its Aid to Blind program. On July 6, 1966, in Handbook Transmittal No. 86, the Handbook of Public Assistance was amended by the Department of HEW to provide as follows:

"3120. The income and resources clause of the respective titles (of the Social Security Act) is so interpreted as to support the objective of economic security for needy individuals. Such individuals are not required to be completely destitute in order to be eligible for assistance. 'Consideration' of income and resources is interpreted, therefore, as permitting State-wide policies that provide for the following:

"1. Definitions of the amounts of real and personal property that can be retained to meet current and future identifiable needs while assistance is received on a continuing basis; provided, that such definitions will assure that only needy individuals are eligible. The acceptable outer limits on real and personal property provisions are:

"The Home: No monetary limit required; no recovery provision required.

"Personal and Household Effects and Automobile: No monetary limit required.

"Income-Producing Property: No monetary limit required, but required that all net income be accounted for under State's policies governing income and resources or the disregard thereof. The policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

"Reserves: Two thousand dollars limit for individual recipient in addition to property described above."

All that a state affiliate need do to take advantage of the upper limits on real and personal property just described is to secure legislative enactment of a simple amendment to its Aid to Blind law which would read something like the following:

"Notwithstanding any other provision of this statute, amounts of income and resources shall be exempted as may be required or authorized by federal law or regulations to be disregarded."

In addition to assuring the advantages of the upper limits on real and personal property permitted by the Federal Government, such an amendment would also provide up to \$7.50 a month of exempt income from any source; and the exemption of additional income and resources for up to three years if necessary to help a blind recipient implement a plan for self-support. All of these provisions would greatly facilitate the efforts of aid recipients to achieve self-care and/or self-support.

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MULTI-NATIONAL PROJECT FOR THE BLIND

[Editor's Note: Following is the circular airgram sent out by the U. S. Department of State, giving the description of the Project for the Blind for fiscal year 1969. As a result of this, we hope to meet some of our foreign friends at the Convention this summer in Columbia, South Carolina.]

This project brings to the United States blind persons who have responsibility for the blind in their countries and who wish to become acquainted with the work of organizations of and for the blind in the U. S., and to study the philosophies and techniques of such organizations. Grantees will have individual programs of observation and consultation arranged in accordance with their particular interests by the International Exchange Program of the National Assembly for Social Policy and Development, with the cooperation of the National Federation of the Blind (NFB). The program will include attendance at the Federation's annual Convention to be held in Columbia, South Carolina, July 1 through 4, 1969.

The National Federation of the Blind is an organization of blind men and women working together to obtain for all who are blind a fair and equal opportunity to live worthwhile independent lives. It does not limit its concerns or efforts to its members but seeks improved conditions and equal opportunities for all without sight in the world. It believes that blind people, themselves, are best qualified to solve the problems of blindness, and should assume the responsibility for doing so. Specific goals of the Federation are to help blind persons to achieve self-support, to attain a greater degree of independence and dignity in society, and in general to live normal and productive lives along with their more fortunate fellowmen. The Federation also undertakes research on the legal, social and economic problems of blindness, and sponsors legislation at state and national levels for the aid and rehabilitation of persons with this handicap. By assisting in the programming of international visitors the Federation hopes to encourage and assist the blind in other countries to work toward similar goals.

Candidates for this project should be actively engaged in an organization of the blind. Since one of the primary objectives of the Federation is to teach blind persons to become self-sufficient through their own efforts, the project is especially designed for workers who are blind themselves. Because of the interest on the part of the Federation in promoting independence and self-reliance, participants in this program are encouraged to travel about the United States by themselves. An escort will not be provided unless it is determined after a grantee's arrival that he needs such assistance. Members of the Federation, as well as other

local volunteers, will meet and assist the visitor at each point on his itinerary. Fluency in English is especially important since, in the absence of visual aids to communication, the grantees must depend upon the spoken word both in professional consultations and in seeking information and assistance while traveling.

U. S. transportation \$275; international travel allowance \$70; per diem (60 days @ \$25) \$1500; books \$100; total dollars \$1945; plus foreign currency.

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INDIANA CONVENTION
by
Garold McGill

The sixteenth annual convention of the Indiana Council of the Blind was held in Elkhart, Indiana at the Elkhart Hotel October 4-6, 1968. Approximately seventy-five persons attended the session. The board meeting was held on Friday evening at eight o'clock after which a social was held in the ball room. The Saturday morning session began at 9:30 a.m. with Mr. Gene Rieck from Gary, Indiana and a man from the IBM Company demonstrating the IBM Braille electric typewriter. An audio-visual film was also shown on education of the blind which coincided with the speech given by Mr. Rieck and the IBM salesman. Miss Elizabeth Wishard from the state library in Indianapolis also spoke on the library situation. The session recessed at twelve noon and reconvened at 1:30 in the afternoon. Raymond Dinsmore spoke on legislation, Garold McGill spoke on public relations and discussed bringing the NFB convention to Indiana in the near future. This was met with great enthusiasm. More about this project later. Mr. John Taylor officially represented the NFB and spoke on fundraising and building locals. The session ended at 4:30.

The banquet was held at 7:00 on Saturday evening with Mr. John Taylor delivering the banquet address. Door prizes were also given away. The convention concluded with the Sunday morning session at 9:00. Reports were read. President Russell Getz was elected to serve as delegate to the NFB convention in Columbia, South Carolina and John Janssens from South Bend, the alternate. The state convention will be held in Gary, Indiana next October 3-5, 1969.

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A BOY AND HIS DOG

[Editor's Note: The following story was printed in the San Mateo (California) Times.]

Things are happening almost too fast for a young Colma boy who donated his dog, Star, to the United States Air Force for eventual duty in Vietnam.

Billy Swartfager, a blind 14-year-old Jefferson High School student, did his unselfish act because his older brother, Tom, is en route to that war-torn country "and I really felt Star might be able to save his life." Billy said he had heard a commercial sponsored by the Air Force, trying to recruit German Shepherd dogs in the area and decided to donate his best friend and companion, Star.

Air Force officials also thought the act deserved more than just passing thanks and Billy was introduced to the nation's top canine war hero—a German Shepherd named Nemo. Like young Billy, Nemo's sight is impaired. The Air Force guard dog was shot in the right jaw and eye by a Viet Cong soldier who was trying to kill Nemo's handler, Airman Second Class S. Thornberg. The military credits Nemo with saving the young airman's life and many others at Tan Sen Nhut Air Base by leaping at the Viet Cong suicide attacker and alerting the entire base to his presence while on routine patrol. Nemo was awarded the Purple Heart and Unit Citation in appropriate ceremonies and was flown back to the United States for treatment of his wounds. He is now in retirement at Lackland Air Force Base and travels around the country recruiting other canines.

What Nemo did for his Airman handler in Vietnam is exactly the thing Billy hopes Star will perhaps someday do for another human—save his life. And even though Star was his best friend and "I'll sure miss him . . . I do right now" the youngster decided to let him be sworn into the military. The Air Force said Billy's dog wouldn't be returned, once they are trained for guard duty they are simply retired after their tours of duty—in about eight years.

The youth is now learning to use a white cane to get around.

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LOCAL ORGANIZATIONS OF THE BLIND:
HOW TO BUILD AND STRENGTHEN THEM
by
Kenneth Jernigan

[Editor's Note: From the time when Kenneth Jernigan first prepared his paper on how to build local organizations of the blind and delivered it at the New Orleans Convention in 1957, it has been one of those select documents of our movement which have served as guides to Federationists all around the country. The ideas expressed are as good and as important today as they were then. The demand for copies continues unabated. Updated material appears within brackets.]

At the close of the Federation convention in Washington a seminar was held for the discussion of general organizational problems. State and local leaders of the blind from all over the nation exchanged ideas and talked about ways of strengthening our movement and making it grow. One topic which received a great deal of attention was the question of how to build strong local organizations. It was generally recognized that the Federation can be no stronger at the state or national level than it is locally and that the very future of our movement is largely dependent upon the kind of local chapters which we now have and which we develop. My purpose here is to continue what was begun at the seminar, to discuss

local organizations of the blind--how to build them, what projects they can undertake, their purpose for existence, and their relation to the state and the national organization.

In the first place Shakespeare's question, "What's in a name" has more than an academic significance for us. Our name--perhaps I should say our names--has presented us with a real problem. If you should go into a strange town in the United States tomorrow and ask a local member of Kiwanis where the Kiwanis met and when its next meeting would be held, he would, without hesitation, give you a local address and a particular date. If you should then register surprise and tell him that you thought Kiwanis was an international organization and that you had wanted the date and the place of the international convention, he would probably be considerably amazed and think you quite odd. He would likely tell you that Kiwanis is organized into local clubs, that the local clubs are grouped into districts, and that the districts combine to make up the international organization. He might then give you the time and the place of the next international convention and also of the district meeting if you were interested; but his first thought when you asked him about Kiwanis would not be of his local club as one organization, the district as another, and the international as still another. He would think of Kiwanis as one organization, and he would primarily think of it as his local club, with himself as a member.

If instead of asking him about the time and place of the next meeting, you should begin your conversation by making unkind or critical remarks about Kiwanis, he would resent your statements and take them personally. It would do you little good to explain to him that you did not mean him or his local club, but that you were referring to the district or the international. He would probably only become angrier at such a sophistry and tell you that a criticism of Kiwanis was a criticism of him.

The same is true of the American Legion, the Catholic Church, the Benevolent and Protective Order of Elks, and a hundred other organizations. There is uniformity of name and no confusion. With us, however, the situation is different. Recently I spoke at a meeting of a local chapter of one of the Federation's state affiliates. I began by posing a question to the group. "If," I asked, "someone had met you on your way to this meeting and inquired of you when and where the next meeting of the National Federation of the Blind would be held, what would you have told him?"

One man in the back of the room replied, "New Orleans, July 4."

I then asked the same question again, substituting this time the name of the state affiliate, and the same individual gave me the date and the place of the next state convention. He did not think of his local chapter meeting as being a meeting of the Federation or the state organization; yet, such was in reality the case.

The different local and state organizations of the blind throughout the country have grown up with all sorts of names, and it is not now practical, even if it were desirable, to achieve uniformity. It is necessary, however, for us to keep at a minimum the confusion which this multiplicity of name tends to create. If every meeting of every local chapter throughout the Federation is regarded as a local meeting of the National Federation and also of the state affiliate, the activities of the local will take on new meaning and importance.

This leads quite naturally into a discussion of specific projects which a local can

undertake. Perhaps I should begin by describing a typical meeting which might occur in a local. The president calls the meeting to order. The secretary reads the minutes of the last meeting. The treasurer reports, giving the current bank balance and itemizing all money which has come in since the last meeting and all expenses. Then come committee reports. These can be interesting or dull depending upon how they are handled. If each separate project of the chapter is handled by a committee which reports at every (or almost every) meeting, the broadest possible participation and interest can be achieved. The following are examples of committees which may be established:

1. Membership Committee: Any chapter will be stronger for having a good membership committee. This committee should probably not contain fewer than three nor more than nine members. It will work better if it holds at least one formal meeting before each regular chapter meeting—probably about a week or ten days before. It should secure a list off the names, addresses and (when possible) phone numbers of every known blind person in this area. This list should be divided into three sub-lists: Members in good standing, delinquent members, and non-members.

Each member in good standing should receive either a phone call or a card or letter before every meeting, reminding him of the time and place and telling him something about the program. This will provide a project for the committee and will also stimulate interest among the general membership, giving each person a sense of belonging and participation.

Members who are not in good standing, who do not attend meetings, and are apparently losing interest in the organization, should receive special attention. Different ones of the committee may call or visit them. Writing will be less effective. Perhaps they are dissatisfied with something a chapter is doing. Perhaps they do not properly understand the real nature and purposes of the organized blind movement, what it is accomplishing and how it affects them personally. Perhaps they have never felt that they were really part of the group or that they were needed. In any case, they should be talked with. If possible, a member of the committee might offer to come by the home of such a person on a meeting night and accompany him to the meeting.

The great problem with non-members is finding them. Local doctors may be willing to help—in some areas they make regular referrals to the Federation's affiliate. The postman and the minister are excellent sources of names. Sometimes (but only sometimes) the local welfare department will send out announcements of meetings along with aid checks. Notice of meetings in newspapers and on radio may be tried. The important thing is to make a determined and sustained effort to locate every blind person in the area. The rest is simply a matter of persistence and enthusiasm, coupled with a real understanding of our movement, its purposes and objectives.

One final thing should be said about membership and attendance. It will stimulate interest if the number of those present at each meeting is recorded in the minutes.

2. Committee on National Legislation: This should be separate from the committee on state legislation. Otherwise one of the two will be lost in the shuffle. It should be the duty of this committee to see that letters are written on Congressional bills affecting the blind, and each bulletin from NFB headquarters should be studied carefully and acted upon promptly. In no single instance have all NFB affiliates throughout the nation ever combined

to carry out a really intensive letter writing campaign on a Congressional bill. Instead, the response has always been excellent in some areas, spotty in others, and totally non-existent in far too many. A real, united intensive campaign by all of us in every locality would bring unbelievable results.

It should also be the duty of the committee on national legislation to try to become personally acquainted with their local Congressmen. In most instances it will be possible to arrange to talk with him when he comes home. He should be made aware of the NFB and of the fact that he has constituents who are members. The job in Washington will be much easier and much more successful if even a few affiliates will do this. Personal contact should also be made, of course, with United States Senators when they are in the locality and can be reached.

As one example of an immediate problem, consider our bills on the right of the blind to organize just introduced into the Senate (S 2411) by Senator John F. Kennedy and into the House (H.R. 8609) by Congressman Walter Baring. The passage of these bills will be virtually assured if the local affiliates of the Federation will launch a real campaign of contacting their own local Congressmen; and I think we ought to do just that, immediately after we go home from this convention.

3 Committee on State Legislation: It should be the duty of this committee to do on a state level what the committee on national legislation does on the national level. At least one major difference exists, however, between state and national legislation insofar as the local affiliate is concerned, and a word of caution should be said concerning this difference.

It is not as far to the state capitol as it is to Washington, and some locals, failing to get the state organization to support a particular measure which they want, introduce it and lobby for it on their own. This is necessarily a self-defeating practice, for if the blind have more than one voice in the legislative halls, their effectiveness is drastically curtailed if not destroyed. Especially when competing groups of blind persons go before the legislature and oppose each other, the results are disastrous. It is difficult enough under the most favorable of circumstances to get legislators to understand our needs and problems; and when the blind themselves are not agreed, the situation is likely to be hopeless.

If the state organization as a whole cannot be persuaded to sponsor a particular bill which a local chapter wants, or if the state organization votes to oppose a measure which a local strongly feels should be supported, the chapter will be well advised to swallow its impatience and go along with the majority. If its position has merit, the rest of the state organization can likely be brought around sooner or later; and in the meantime it is in a better position to demand and get support from the entire state organization on those matters in which it is in the majority. Not only is this a prime principle of survival, it is the very essence of true democracy.

4. Publicity Committee: Besides getting announcements of meetings on radio and good newspapers, publicizing special activities of the chapter, and seeing that occasional articles appear about successful blind persons in the community, this committee can undertake a variety of other activities.

It can place Federation material in local libraries and waiting rooms of doctors' offices.

It can communicate from time to time with the BRAILLE MONITOR and other magazines. In short, it can and should be constantly on the lookout for new ways of acquainting the general public with the existence and philosophy of the organized blind movement.

5. There are several other committees—Ways and Means, Nominating, and the like—which are more or less standard with all local chapters and require no comment. It is rather with the specialized committee that I should now like to deal, for there are in every locality peculiar opportunities for chapter projects which should be recognized and developed. Each local affiliate will be able, with a little effort and ingenuity, to come up with its own list, and no two will be exactly alike. This is as it should be, for the situation varies from community to community, and the activities should fit the need. The following list is, therefore, not complete. It merely gives examples of the kinds of things which may be done:

a) Education of blind children: If there are public school programs for the education of blind children in the area, or if a residential school for the blind is near, or especially if both are at hand, a committee may be established to visit the schools and make a study and report. It is important that the members of the chapter know what is being done to educate blind children and how effectively.

b) Parents of blind children: Because of the widespread occurrence of retrorenal fibroplasia in recent years there are blind children in almost every community in America. They are the future members of our organization, and we have a responsibility to see that their parents get a proper understanding of blindness and its problems. A committee may be established to seek out and visit parents and to work with them. The committee may wish to help them organize a parents' group. Speakers can be provided from the local blind for the meetings of this group. Parents should be given Federation material and thoroughly acquainted with the organization. Above all, they should be encouraged to attend meetings of the local affiliate and to realize that they have a stake in its activities since its actions now will affect so vitally their children's future.

c) Proofreading: In many communities there are groups which transcribe material into Braille; especially is this true of the Red Cross, certain Jewish groups and parents of blind children. Often they are very much in need of good proofreaders and will welcome the opportunity of developing a cooperative project.

d) Speaker's bureau: A committee can be established to contact local civic and church groups to get time on their programs for speakers from the chapter. If this is done on a continuing year-around-basis, not only will it acquaint many people with the existence and purposes of our movement, but it will also make fundraising much easier. Public education about blindness is an important aspect of our work, and the speaker's bureau is one of the most effective ways of bringing it about.

e) Visiting other chapters: If there are other affiliates of the state organization or of a neighboring state organization near enough to make such a project possible, intra-chapter visiting will be very worthwhile. A committee can be appointed to make the contacts and arrangements. Then, as many members as can do so should be encouraged to make the trips. Within the limits of its financial means, the chapter will do well to pay travel expenses for such occasions. The results will more than justify the expenditure—an interchange of ideas

with another group, the observation of that group in its meetings; and, perhaps, most important of all, an increased sense of being an integral part of the overall blind movement.

f) Candy sale: Some local chapters have been quite successful with candy sales, especially at Mother's Day. Arrangements are made with the manufacturer, and specially designed boxes are procured. Consignments of the candy are placed in banks, stores and especially in manufacturing establishments and other such business houses; and a telephone sales campaign is also usually carried on. A committee of chapter members should be made responsible for placing the candy, conducting the telephone sales, and coordinating the work generally.

g) Blood bank: A chapter can establish a blood bank, either exclusively for the use of members and their immediate families or for all blind persons in the area. Arrangements can usually be made with the local county blood bank, and a chapter committee can handle the details of securing donors, providing transportation, and making withdrawals.

h) NFB endowment fund: The long-range financial stability and strength of the national organization depend upon the endowment fund. Only a few local and state affiliates have so far established continuing projects for its support. One state organization levies an annual assessment from all members. Another held a raffle at its last convention and raised more than \$100 on a transistor radio. So far as I know, only three local chapters have, to the present time, established continuing projects. One makes a lump sum annual contribution. Another gives one half of the proceeds from the raffle which it holds at its regular monthly meetings (usually about \$10). The third makes a memorial contribution for each deceased member.

In time every local chapter should devise some regular means of support for the endowment. Our national organization can be only as strong as we make it.

i) White Cane projects: The immediate fundraising of the organized blind movement at both the state and the national levels is still largely a matter of the unordered mailings and the White Cane Week. Most of the state affiliates carry on a White Cane mail campaign, but in addition, many local chapters have set up projects—raffles, dances, dinners, card parties, and similar activities. Usually the chapter keeps none of the proceeds from these White Cane projects, one half of the money going to the state organization and the rest to the national. This is not always the case, however.

j) Aid appeals: In almost every area there are blind persons who have been unjustly denied aid payments from the state or had their grants reduced. The chapter should establish a committee to acquaint these persons with their rights and to help them with appeals. Not only should the members of this committee study carefully their own state welfare laws and regulations, they should familiarize themselves with the federal law and regulations. This is a difficult task, and most chapters will have to start from the beginning, but no other project can be more beneficial to the blind of a locality. The national office of the Federation will lend whatever help it can to any chapter establishing such a project.

k) Many other projects could be added to the list given here. Each chapter can and should develop its own. The important thing is not that we have uniformity, but that we have vitality and growth. In addition to its regular standing committees every chapter should

always have several special committees working, and at least one new project under way.

To return now to the typical meeting of a local chapter which I began to outline earlier, the committee reports are usually followed by old and new business. Here a great variety of matters can be discussed: new projects which the group is considering, information from the national or state, or local happenings which affect the blind.

In one community a blind man was denied the right to serve on a jury. The matter was considered by the local affiliate, and it was decided to help him with an appeal to the courts if satisfactory arrangements could be made. In another case it was discovered that a large public building had excellent facilities for a vending stand but that the location had not been secured. A committee was established to investigate the matter, and if possible, to help a blind person get the place.

In still another instance a fund appeal letter put out by a local sighted group to raise money to provide recreation for the blind was considered, and it was decided to write a letter of protest to the group, with copies to the mayor and the Better Business Bureau, explaining the harm which is done to the blind by appeals which portray blindness as helplessness. The chapter did not really expect the fund appeal letter to be withdrawn as it requested, but it felt that its protest might cause the next appeal to be more restrained.

After old and new business adjournment generally occurs, unless there is what might be called the day's program: a guest speaker, or refreshments, or some recreational activity. These items require some comment.

Guest speakers are not only desirable but necessary at state and national conventions, but they should be used sparingly on the local level. It all depends on the purpose. If there is really someone that the chapter members want to hear, enough to shorten or eliminate business—which they want and need to transact, then by all means the speaker. If, on the other hand, a speaker is invited simply because it seems the thing to do—or worse yet, perish the thought, because a filler is needed and there is not enough business to take up the time, the danger signs are easy to read, and the chapter should examine itself carefully to see if revitalization is not in order.

As to dances, coffee and cake, dinners, and recreational activities generally, the question is once again one of purpose and proportion of chapter time and energy. An occasional dance or dinner, a picnic or other outing, can be a positive means of stimulating interest in the organization. Some chapters have dinner with every regular meeting, and many serve coffee or some other refreshment. If these things are properly subordinated, if they consume a relatively small amount of the total time and energy of the group, especially if they are kept from becoming the real purpose of the meetings, they may be pleasant and, in some instances, even help. When, however, these things are not kept properly subordinated; when the members begin to get fidgety to have the business over so they can get to the social hour, especially when the coffee and cake are regularly provided by some outside organization which does all the preparation and serving; then the danger sign is flashing again, and the chapter may find, too late, that it is helping to promote the very things it is trying to overcome.

Having discussed specific local projects and activities in such detail, I should now like

to make these additional remarks:

1. The chapter should serve as a general clearing house. It should assume responsibility for seeing that the names, addresses, and changes of address of all known blind persons (members and non-members alike) are on file in the state office of the organization. It should see that local blind persons receive NFB bulletins and those who read braille get the MONITOR [in braille]. It should report local happenings affecting the blind to the state and the national, and in turn it should keep its members and other blind persons in the area informed of happenings elsewhere. The chapter is the first link in our bond of unity.

2. Some local leaders say that they have difficulty in raising funds when any part of the money is to go outside of the local area—that is, when a percentage is to go to the state or the national. Perhaps the problem is one of approach. If a local leader goes to a businessman in the community and tells him that the chapter is made up of local blind persons and that there is a state organization of the blind and also a national organization, and that "those organizations" do good work and that the local tries to help them when it can and with any money it can spare for that purpose, the businessman is more than likely to insist that "I want my money to stay in this community and be used exclusively for local blind persons."

If, on the other hand, the local leader talks to the businessman about the organized blind movement as a single entity, if he draws no distinction between his chapter and the state and national but refers to them as one thing, the question of percentages will probably not occur at all. The businessman will be giving his check to the Federation, and he will know that it is helping the local blind.

Is it really that local businessmen, newspapers, radio and television stations, and others want their money to be physically spent in the community, or is it rather that they want it spent anywhere so long as the local blind get the benefit? Obviously the latter is true, for no one would object to buying a braille watch for a local blind man even though the money had to be spent in New York, or a braille book even though it came from Kentucky. If the chapter should send the man to another state to investigate job possibilities for one of its members, or to represent one of them in a legal matter, or to learn about some new aid or piece of equipment, no one would object and if the chapter did not have enough money to pay all of the expenses and pooled its funds with the neighboring chapter to make the project possible, still no one would object. This, of course, is exactly what we have done by uniting into the National Federation of the Blind. Sometimes the problem is not with the local businessman but with the local leaders of the chapter. We must constantly bear in mind what the real problems of blindness are and how those problems can be solved. "Localitis" is one of the worst diseases which can occur in our movement.

3. A chapter should be willing to pay the reasonable expenses of its committees and officers in the performances of their duties. This should be done without so much red tape and bickering that incentive is stifled and interest killed. The purpose of fundraising is to improve the welfare of the blind, not merely to build larger and larger treasuries.

4. [The Braille Monitor is the main link in the communications system between National Conventions among local, state, and national organizations. Each chapter and/or state group should have a reporter or correspondent whose duties should include sending

information about local activities to the Editor, Perry Sundquist, 4651 Mead Avenue, Sacramento, California, 95822. Requests to be added to the Monitor mailing list and changes of address should be directed to the Berkeley Office, 2652 Shasta Road, Berkeley, California 94708. The Monitor is currently available in braille, inkprint, and on talking book discs.]

5. The broadest possible democracy should prevail at every level of our organization. In this connection chapter presidents should be careful to avoid the mistake of insisting too much on the strict observance of all of the technicalities of parliamentary procedure, textbook style. If we were a high school debating society, the situation would be different; but as it is, we have better things to do with our time than to study the intricacies of Roberts Rules of Order. If a chapter president is really fair in his presiding, if he sees that everyone has a chance to be heard and order is kept, and finally, if he moves the meeting along and gets the business transacted, the general membership will support him and he will get little criticism for avoiding the technicalities. Besides, he will be practicing that democracy, for few indeed are the people who are really well versed in the complicated maneuvers of parliamentary procedure. And parliamentary procedure can be used as a weapon to defeat the will of the majority. Fair play and common sense are the best foundations upon which to build a good organization.

6. At this convention we have adopted an official Federation membership pin. Its cost to the national office of the Federation is 75 cents. As you know, we have voted to sell it to individual local members for \$1.50, the 75 cents profit on each pin going into the endowment fund. Every member of the Federation throughout the entire country should be encouraged to buy and wear one of these pins, thus emphasizing in a visible way our unity of purpose as a part of the overall organized blind movement. [The Federation membership pins are now available and can be had by writing to the Berkeley Office, 2652 Shasta Road, Berkeley, California 94708.]

During these remarks I have tried to summarize what I believe to be the principles of strong and effective local organization. Our Federation is now seventeen years old. It has grown from a handful of small state organizations in 1940 to the powerful force which it is today. It has given the blind, for the first time in history, an effective way of making known their needs and desires and working toward the solution of their problems.

Because of the very nature of our movement we have inevitably made many friends. Also, because of the very nature of our movement (and again inevitably) we have made enemies. There are those who would like to see the Federation destroyed and they are at this very moment doing what they can to see that it is destroyed. It must be our task to keep the Federation strong—strong at the national level, strong at the state level, and above all, strong locally. It is no game we play, this business of organization. It is a matter as serious as human dignity itself, with the stakes as high as the independence and self-respect of us all.

We cannot all be the president of the national organization or a national board member. We cannot all be state presidents or state board members. We cannot all even be chapter presidents or board members. But we can all be workers in our local chapters, and by so doing, we can determine the very nature of the entire Federation. The Federation can

never be weakened or destroyed unless it is first destroyed in the hearts of its local members.

* * * * *

MONITOR MINIATURES

They didn't exactly mean to cast their bread upon the waters when a blind Milwaukee couple set out with \$53 to do some Christmas shopping, but it came back more than ten-fold. A thief held them up and stole the money. After the story appeared in newspapers around the world, cards and letters—all containing money—piled up in the couple's mailbox. They received nearly \$1,000 from forty-nine states and Europe and will use the gifts to help pay off the mortgage on their home.

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Under the Randolph-Sheppard Vending Stand Program, in the last fiscal year the gross sales were \$78.9 million, and the average annual earnings of an operator were \$5,580. During the first year of operation of the program, 1936, the average earnings of a licensed operator were \$500. There were 2,920 stands employing 3,259 licensed operators at the end of the fiscal year. The problem of vending machine income, especially in competition with vending stands, needs attention. Last year gross vending machine income in federal buildings was approximately \$750 million. The problem of getting some of this income to the blind operator whose stand may suffer is receiving attention. Certainly, all income from vending machines located on federal property which are or could be operated by blind persons should go to the blind operators.

* * * * *

Recently there was a meeting in Indianapolis which represented a get-together of three groups of blind persons in Indiana: the Indiana Council of the Blind, the state affiliate of the National Federation of the Blind; the Indiana Association of Workers for the Blind; and the Indiana Agency for the Blind. The meeting was for the purpose of agreeing on a legislative program for the upcoming session. All parties agreed to support amendments to the state welfare law, adoption of the Model White Cane Law, a licensing law for blind teachers, and an architectural barriers statute.

* * * * *

"Gems from the Gem State" tells us that a new chapter has been added to the Idaho story. After several preliminary meetings, a group of blind persons gathered at the Central Christian Church in Pocatello to establish the Portneuf Chapter of the Gem State Blind. There are also rumors that Gem State's Membership Chairman, Dick Jones, has hopes of organizing a chapter in the Coeur d'Alene area. Keep up the good work, Idaho!

* * * * *

Blind students attending San Francisco area colleges and universities recently attended a seminar on employment opportunities. The keynote speaker for the two-day conference was Dr. Kingsley Price, a distinguished philosophy professor at Johns Hopkins in Baltimore who is teaching this year at the University of California. Dr. Price is blind and is a long-time Federationist.

* * * * *

Governor Ronald Reagan, in his message to the California Legislature, said he would propose a method of closed-end appropriations for welfare expenditures, with any expenditure in excess of the set amount requiring legislative approval. He also said he would again this year (as he did unsuccessfully in 1968) seek legislation to institute lien and recovery provisions from all welfare recipients. "It seems to me," he said, "That when the taxpayers assume the responsibility for the support of the aged and disabled, it is equitable for them to share in the recipient's estate."

* * * * *

Sylvester Nemmers has devoted a great deal of time to the Des Moines Association of the Blind. Among his many other accomplishments, he is a top-notch White Cane Candy salesman. Recently the affiliate devoted a meeting to honoring Nemmers and his wife, Jean. Also, the Iowa Association's White Cane Candy Committee reported that total sales this year have been better than \$10,000. You've got to hand it to that Iowa bunch!

* * * * *

A three-year project, intended to train and place blind persons in service jobs in hospitals, was recently launched at a meeting held at the American Foundation for the Blind. The program is designed not only to provide new employment opportunities for blind persons but also will help relieve the serious and growing manpower shortage in the nation's 7,000 hospitals.

* * * * *

Mrs. E. R. Merrick of North Carolina has been the unpaid editor, publisher and columnist for eighteen years of what may be the nation's only Braille magazine for blind Negroes. Mrs. Merrick, who is now seventy-two years of age, can no longer afford to publish the magazine because the demands on her time, energy and personal finances are too great. The monthly magazine, called the Braille Magazine, brings to the blind excerpts from national magazines. "The Negro blind person lives in a world all his own." Mrs. Merrick says, "since some had to drop out of school early and others, because they are poor, can't afford regular publications." Part of the publication costs have been paid by annual contributions from the North Carolina Federation of Negro Women's Clubs.

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According to the Department of Health, Education, and Welfare, almost 208,000 persons were rehabilitated in the last fiscal year. For every \$1,000 invested in the rehabilitation of a physically or mentally disabled person, it is estimated that that person's

lifetime earnings increase by \$35,000. It would be more informative if HEW revealed just what percentage of the 208,000 rehabilitations consisted in placing persons in competitive employment and what percentage in self-care activities in the home or in sheltered employment.

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Our Montana correspondent reports that Frank Cuta, a blind man who is a sophomore at Montana State University, applied last summer for employment under the work-study program at his college. Frank was accepted and is presently working in the physics department. He hopes to get his bachelor's degree in electrical engineering and perhaps to continue into some master's degree program.

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A book has recently been designed specifically for the purpose of teaching Braille reading to blind adults. It is the work of Bernard M. Krebs of the Jewish Guild for the Blind in New York City, and is entitled Braille in Brief. The book is being printed for the Library of Congress by the American Printing House for the Blind and should be ready for distribution shortly. The book consists of three parts: a manual, a teacher's guide and a pocket reference of signs and symbols. It is printed in twin vision—that is, Braille on the right-hand page with print counterpart on the left hand.

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A tour of the Holy Land, especially planned for blind persons, is being advertised by the Ladera Travel Agency, 6861 Pijera Boulevard, Los Angeles, California 90045. The tour will be under the direction of Mary Wimberley and will cover such historic places as Jerusalem, Tel-a-Viv, Galilee, Bethlehem and Bersheba. The tour, via TWA, is scheduled to leave New York about July 4th and the cost is \$795.

* * * * *

A special radio service for the blind has started in St. Paul, Minnesota, designed to bring some of the things sighted persons get through reading. Included in the FM broadcast will be readings of books, newspaper and magazine articles as well as seminars on the problems of persons without sight. The project is jointly sponsored by St. John's University of Collegeville, Minnesota, the Minnesota Services for the Blind and the Hamm Foundation of St. Paul.

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The White Cane Magazine, publication of the Washington State Association of the Blind, presented the W.S.A.B. with a check for \$500 recently for the Scholarship Fund. Besides being a medium of communication for the blind members of the Association, the White Cane Magazine is also a public relations and educational medium for the sighted. When income exceeds expenses of publication, this money becomes available for the Scholarship Fund and the generosity of the advertisers makes this possible.

* * * * *

That "retired" worker, Victor Johnson of Missouri, is busy making speeches around his state preaching Federation philosophy. "The worst handicap faced by blind people is the reaction of the public to the blind," Victor points out. "We have fought hard to lift the blind out of the stereotyped image of beggars on the streets gathering alms," Johnson tells his sighted audiences. "Education is not enough," Victor says. "The ability to work and make one's own way, to have pride and self respect, is vital if a blind person is to take his proper place in our society. "The blind should be able to go as far as their abilities take them," he continues, "and should not face discrimination. They are entitled to the same degree of success as any other person if they can achieve it." That's the gospel, Victor--keep preaching it!

* * * * *

Blind employees serve in an amazing number of occupations in the Federal Service, according to a recent report of the U. S. Civil Service Commission. A few of these are: teacher, mathematician, dictating machine transcriber, engineer, computer programmer, educational therapist, attorney, telephone operator, psychologist, biologist, social worker, and numerous technical and non-technical jobs requiring a keen mind and hand dexterity but not requiring a sense of sight.

* * * * *

The 49th state has become the first state in the nation to provide that only safety glasses and sunglasses may be prescribed within its borders. The new law, passed in Alaska, also forbids the sale and distribution of eyeglass frames made of highly combustible materials. The National Society for the Prevention of Blindness has hailed the Alaska law as "one of the most progressive steps ever taken to protect the eyesight of millions who wear glasses." This is pioneer legislation, not only in the United States, but in the world.

* * * * *

[Editor's Note: The article which follows, "Public Assistance and Social Insurance--A Normative Evaluation" was first published in the UCLA Law Review in 1954. In it, Professors tenBroek and Wilson brought together views each had long held on the subject. However, the article was such a departure from accepted notions of welfare that controversy over the theories it propounded was furious. Psychologists, welfare administrators, social scientists, and political scientists set up quite a roar when many of their long-standing, and to them sacred, ideas were torn apart by cold logic and incisive analysis.

And, as has been demonstrated many times before, Professor tenBroek was always some steps ahead of the others. Professor Aaron Wildavsky, in his moving Memorial which appeared in the American Political Science Review says of him, "No greater testimony can be made to a man's originality than the fact that his work consistently predates the attention that other scholars devote to important subjects." So with this work. The ideas set forth in 1954 are now being expressed by task force studies all around the country, including those appointed by President Nixon to study welfare.

Because it has much current interest to blind people everywhere, it is being republished in the Monitor.]

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Public Assistance and Social Insurance— A Normative Evaluation

By JACOBUS TENBROEK*

And RICHARD B. WILSON**

I. THE PROBLEM

"The human problems of individual citizens are a proper and important concern of our government. One such problem that faces every individual is the provision of economic security for his old age and economic security for his family in the event of his death. To help individuals provide for that security — to reduce both the fear and the incidence of destitution to a minimum — to promote the confidence of every individual in the future — these are the proper aims of all levels of government, including the Federal Government."

In these words, contained in President Eisenhower's message to Congress of January 14, 1954, are embodied and expressed the sweep and character of the Nation's welfare commitments. The national responsibility was assumed only a short score years ago. Yet today it is espoused by both major political parties, accepted by all major segments of public opinion and extends to providing economic security which will at once "reduce . . . the fear and incidence of destitution" and "promote the confidence of every individual in the future."

In October 1953, there were 10,646,231 recipients under the Old Age and Survivors' Insurance and Public Assistance programs, receiving a total monthly amount of \$443,706,300. Of these recipients, 5,837,214 were beneficiaries under the old age and survivors insurance program; 4,809,017 were recipients of public assistance under one or another of the four categories — Old Age Assistance, Aid to Dependent Children, Aid to the Blind, Aid to the Permanently and Totally Disabled.¹ About one-fourth of the non-defense portion of the federal budget is spent on welfare; and the percentage of state budgets allocated for welfare purposes, varying widely across the nation, runs as high as forty per cent.

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¹See chart opposite page.

While there is general agreement on the far-reaching welfare objectives stated above, there is less but still substantial agreement on the methods and programs to be employed in achieving these objectives. From the beginning of Federal Social Security in 1935 the dominant view of federal welfare officials has been that primary reliance should be placed on a basic nation-wide system of contributory social insurance. A purely secondary role should be assigned to non-contributory, federal-state, grant-in-aid public assistance which would progressively diminish into its permanent shape as a residual and supplementary program. The original social security planners estimated that public assistance would dwindle into ultimate insignificance and be supplanted by "self-supporting annuity plans" within thirty years of the initiation of the federal program.² President Eisenhower in his message of January 14, 1954, emphasized that social insurance "should remain, as it has been, the cornerstone of the government's program." He therefore proposed a substantial improvement in old age and survivors' insurance benefits and a great expansion in coverage; and that "the formula of federal sharing in the public assistance program . . . reflect this changing relationship," thus assuring the retardation of public assistance.

But despite the original plans and expectations, public assistance has refused to die quietly. On the contrary, year by year — at least until very recently — it has continued to grow both in numbers of recipients and the amount of the average grant. Even old age assistance, which should be the first of the assistance programs to be supplanted by social insurance, increased irregularly to a peak of about 2,800,000 recipients in 1950. Since 1950 the figure has declined slightly to about 2,600,000. Old-age insurance has increased rapidly over the years and, as the result of the 1950 amendments, became the larger of the two income maintenance programs early in 1951.³

² Message of President Franklin D. Roosevelt on Social Security, January 17, 1935, 81 CONG. REC. 546 (1935).

³ PUBLIC ASSISTANCE IN THE UNITED STATES AS OF OCTOBER, 1953.

Category	Number	Amount
Old Age Assistance	2,595,364	\$131,935,869
Aid to Dependent Children.....	1,923,696	45,422,806
Aid to Blind.....	999,633	5,518,382
Aid to Permanent and Totally Disabled....	190,327	10,086,801
OASI — CURRENT PAYMENT STATUS BY TYPE OF BENEFIT OCTOBER, 1953.		
(amounts in thousands)		
Old age	19,249	557.6
Wife's or husband's.....	18,164	579.4
Child's	9,671	403.7
Widow or widower.....	6,085	272.3
Mother's	333	15.1
Parents		
Total	112,572	5,162.1

The reasons for the persistence of public assistance are not far to seek: the steady improvement in the federal matching formula; organized pressure of recipient groups in some states; the congressional decision to add the permanently and totally disabled to public assistance rather than to social insurance; and the inadequacy of old age and survivors insurance benefits and coverage. But whatever the reasons, the fact remains.

Taking it as settled that public welfare on the present scale of magnitude or a greater one is a fixed and permanent part of our national policy, there is still a whole series of basic questions to be answered. How does this vast undertaking, bringing the government into new relationships with millions of citizens, fit into our democratic system of government? Is it in harmony with American political and constitutional ideals? If not, how can it be made so? Is it consistent with sound economic principles? If not, how can it be made so? Is it compatible with existing knowledge of the nature of man, his needs and motivations, developed in the field of psychology? If not, how can it be made so? What are the relative merits and disadvantages of the two principal competing programs — public assistance and social insurance — measured in these political, constitutional, economic and psychological terms?

It is the purpose of this article to attempt to answer these questions. In doing so, we shall first identify the main features associated respectively with the public assistance and social insurance programs. We shall next determine whether these features are necessarily connected with the programs to which they are now attached, or, on the contrary, whether they may be examined on their individual merits and discarded or retained in connection with either of the existing programs or some other that may be instituted. We shall then evaluate these features, singly and collectively, utilizing norms of judgment drawn from the fields of political science, economics and psychology. The process, thus, is one of re-surveying these fields, restating the principles, doctrines and concepts that are contained therein and then applying them to public welfare.

II. ATTITUDES AND ISSUES — THE DEBATE OF 1950

The long-time debate about permanent and total disability which came to a head in 1949-50 involved the disputants in making a comparison of the social insurance and public assistance programs. The supposed characteristics of each and their relative merits and disadvantages were discussed at length. It is to this debate, therefore, that we may turn for a fairly full disclosure of attitudes towards and issues involved in public assistance and social insurance.

It was conceded by almost all participants that serious physical or mental disability was a major economic hazard, the victims of which

were properly to be protected and relieved by government.⁴ It was conceded also that the Federal government should share the costs and administration or supervision of the administration of the program.

The issue was whether the permanently and totally disabled should be included in the Social Security Act under the social insurance features of that act or as a new category of recipients under federal-state grant-in-aid public assistance provisions. Organized labor, the Social Security Advisory Council, the Social Security Administration and many welfare directors and workers favored the social insurance solution with a supplement of public assistance. The latter would be for those who had never been in the working force, who had not worked in covered industries, or who for other reasons could not qualify, and for those whose income, including insurance benefits, would be below an acceptable standard of living. The United States Chamber of Commerce, representatives of insurance companies, medical societies and business groups strongly opposed federal social insurance but expressed their willingness to accept public assistance as an alternative.⁵

Those who advocated the federal insurance principle advanced a variety of arguments. Social insurance, it was said, is the economic method. "Very few people can or will save as they earn through the years," and hence "every person should be made to save something out of every dollar he earns," thus creating a fund which will care for him when he is disabled or old and resulting "in a great saving to the various States and the Federal Government."⁶ The social insurance method, it was further argued, is the one most consonant with American political and social theory. "If we rely," said one spokesman, "solely on public assistance to meet a major hazard like disability, we are moving toward state paternalism. If, on the other

⁴ Cf. the statement of D. M. Griffith, Vice-President of the National Economic Council, Inc., concerning the 1950 Amendments to the Social Security Act: "If you vote for this bill, then you vote to declare that stealing is not stealing when it is done by government and under the form of law. You vote to end the social, political and economic consequences of the American Revolution, and to turn back the clock of human history. You vote to abandon the society of contract, of inalienable freedom. You vote to return to the dark ages of status, of bondage, to the lower energy output of a society that doles out subsistence to serfs. You vote to liquidate the free society which offers opportunity, rewards the inalienable right of every man to enjoy the fruit of energy, intelligence and frugality." *Social Security Revision, Hearings before the Committee on Finance on H. R. 6000*, 81st Cong. 2d Sess. 544 (1950).

⁵ GREENFIELD, PERMANENT AND TOTAL DISABILITY AID (1953).

⁶ W. F. Bond, Commissioner of Public Welfare, Mississippi, *Hearings, supra* note 4, at 375.

hand, we expand our system of contributory social insurance to meet this additional risk, we will give added support to free enterprise and individual incentive."⁷ "Differential benefits," the Social Security Advisory Council maintained, "based on a work record are a reward for productive effort and are consistent with general economic incentives, while the knowledge that benefits will be paid — irrespective of whether the individual is in need — supports and stimulates his drive to add his personal savings to the basic security he has acquired through the insurance system. Under such a social insurance system, the individual earns a right to a benefit that is related to his contribution to production. This earned right is his best guarantee that he will receive the benefits promised, and that they will not be conditioned on his accepting either scrutiny of his personal affairs or restrictions from which others are free."⁸ Finally, social insurance was said to be more consistent with rehabilitation. The permanently and totally disabled worker, said the Social Security Advisory Council, "should not be required to reduce himself to virtual destitution before he can become eligible for benefits." There is a great need to protect "his resources . . . self reliance . . . dignity and self-respect." "The protection of the material and spiritual resources of the disabled worker is an important part of preserving his will to work and plays a positive role in his rehabilitation."⁹ "[Public] Assistance," said Alvin M. David, "is wasteful of human resources. Help is not given until the disabled individual's assets have been dissipated and his morale shattered. Public assistance cannot prevent the very real tragedies that lie between the onset of disability and the advent of destitution. Under the public assistance plan those least reluctant to admit destitution would profit most. Those whose pride kept them from seeking public aid . . . would derive no benefit whatever.

" . . . The social insurance program would handle the difficult problem of disability at its most critical moment — in the early stage following the occurrence of the disability. In other words, the social insurance program would not merely salvage a wreck; it would prevent the occurrence of the wreck which inevitably results from dependency."¹⁰

Furthermore, under the social insurance method, social security trust fund moneys could properly be used for the rehabilitation of beneficiaries, thus making rehabilitation services available to all on

⁷ David, *Social Insurance as Basic Protection*, American Economic Security, Sept.-Oct. 1949, No. 6, p. 27.

⁸ RECOMMENDATIONS FOR SOCIAL SECURITY LEGISLATION, REPORT OF THE ADVISORY COUNCIL TO THE SENATE COMMITTEE ON FINANCE, SEN. DOC. NO. 208, 80th Cong., 2d Sess. 1 (1949).

⁹ *Id.* at 72.

¹⁰ David, *Social Insurance as Basic Protection*, *supra* note 7 at 20-21, 22.

equal terms and at a high level. Public assistance recipients must rely for rehabilitation services upon the existing federal-state rehabilitation program which varies greatly from state to state and is frequently quite inadequate.

Most of the same arguments in favor of the social insurance system emerged in President Eisenhower's message to Congress of January 14, 1954. In proposing expansion and improvement of Old Age and Survivors Insurance, the President designated these as "the two most important" of the system's "basic principles." (1) "It is a contributory system with both the worker and his employer making payments during the years of active work;" and (2) "the benefits received are related in part to the individual's earnings." The individual or his family "become entitled" to payments at age sixty-five or on death. The amount of the payments is not diminished because of private savings, other pension or insurance income. "Thus," the President argued, "the individual's own work, his planning and his thrift will bring him a higher standard of living upon his retirement, or his family a higher standard of living in the event of his death, than would otherwise be the case. Hence the system both encourages thrift and self-reliance, and helps prevent destitution in our national life."

Opponents of the social insurance method pointed to the experience of the commercial insurance companies which had sold a great deal of disability insurance in the 1920's and which, as a result, had lost hundreds of millions of dollars in the depression years. That experience, they argued, showed that the method was costly and difficult to administer, that it could only be safely undertaken if the premiums were high, the benefits low, the risks rigidly selected, the new claims carefully scrutinized and the recipients closely followed up.¹¹ The Board of Trustees of the American Medical Association went on record against the method. Disability insurance, they maintained, would pave the way for compulsory medical care for all and would be "another step toward wholesale nationalization of medical care and the socialization of the practice of medicine."¹² Two dissenting members of the Social Security Advisory Council emphasized the difficulty of disproving disability in many types of cases and the consequent danger that the rolls would be flooded with chiselers.¹³ This danger, they thought, increased in a system in which benefits could be claimed as a matter of right.¹⁴ The United States Chamber of Commerce

¹¹ Two dissenters in REPORT, op. cit. *supra* note 8, at 85. M. Albert Linton, President, Provident Mutual Life Ins. Co., Phila., *Hearings*, *supra* note 4, at 947-948; T. O. Moore, Vice-President, P. H. Hanes Knitting Co., Winston-Salem, N. C., *id.* at 874-875.

¹² *Hearings*, *supra* note 4, at 1430.

¹³ Two dissenters, REPORT, op. cit. *supra* note 8, at 86.

¹⁴ *Id.* at 87.

maintained that the federal disability insurance would start a chain reaction which would not end until we had not only compulsory health insurance but until we were headed toward general economic socialization.¹⁵ Finally, the opponents of the social insurance method took up the rehabilitation question. The security of the insurance benefits, i.e., the fact that they were received as a matter of right, would, they said, "corrode the handicapped person's incentives to resume an active role in the community,"¹⁶ and even would "cause" him to "resist the process of rehabilitation."¹⁷ Hence the disabled person should not be given too much security. "If our aim," wrote Benjamin Kendrick, "is to encourage him to stand again on his feet, we should not make his bed too soft. Really, the kindest thing we can do is to leave something for him to strive for."¹⁸ "When State agencies handle cases on the basis of need," added the two Advisory Council dissenters, "they have much greater authority in insisting upon rehabilitation."¹⁹

Earlier, in his book on Relief and Social Security, published in 1946, Dr. Lewis Merriam of The Bookings Institution, had elaborated the same point. "Administration of a means test system," he had written, "makes representatives of the state determine the facts in each case. If the facts disclose that need results from a remediable cause, qualified employees of the state can seek to have remedial action taken. Several different situations may be encountered. (1) The persons in need may not themselves know the causes, the remedial actions possible and the necessary procedures; their basic need may be for information and guidance. (2) Whether they know the action called for or not, they may lack the initiative and the executive capacity to do what is required; their basic need may be for someone to exert friendly pressure. (3) An element of anti-social behavior may be present in the case; it may be an offense in the eyes of the law; it may be only a failure to cooperate with the state in efforts the state is making in the interests of all its people of a given age or of some other particular category. Under a means test system, the state can say in effect through its representatives: 'The state will relieve your need but you, in cooperation with the state, must seek to remedy the conditions that are causing or contributing to the cause of your need.'"²⁰ Under "a rigidly established minimum health and decency standard," Merriam continued, the individual "would definitely be placed on notice that if he desires to live at a higher standard or to have those de-

¹⁵ Kendrick, *Overexpanding Social Security: The Fork in the Road*, American Economic Security, Sept.-Oct., 1949, p. 39.

¹⁶ *Id.* at 36.

¹⁷ Two dissenters, REPORT, *op. cit. supra* note 8, at 90.

¹⁸ Kendrick, *supra* note 15, at 36.

¹⁹ Two dissenters, REPORT, *op. cit. supra* note 8, at 90.

²⁰ L. MERRIAM, RELIEF AND SOCIAL SECURITY 597 (1946).

pendent on him live at a higher level, it is incumbent on him to make provision by his own efforts."²¹ This system prevents "the growth of two philosophies: (a) that the state owes every one a good living regardless of the contribution the individual makes to society; and (b) the able, thrifty and hardworking must support the state and those who would live on grants from the state."²²

Whatever the motives and forces involved and however sound or unsound the arguments, the debate over whether disability should be handled as social insurance or as public assistance under the Social Security Act revealed a common groundwork of belief about the nature and characteristics of the two programs. The contending forces agreed:

- (1) That benefits under the social insurance system are and should be received as a matter of right and that they are not and should not be so received under public assistance;
- (2) That the means test is not a part of social insurance but is necessarily a part of public assistance;
- (3) That the method of financing has an important bearing on the character of the benefits: that the contributory method of social insurance strengthens, if it does not create the principle of benefits as a matter of right and that the non-contributory, general or special tax methods of public assistance strengthen, if they do not create, the principle that payments are a matter of governmental largesse, gratuity or simple charity to be accompanied by the means test;²³
- (4) That the desire for rehabilitation and willingness to undertake it depends in considerable measure upon economic incentives — the social insurance supporters contending that when public payments are received as a matter of right and regardless of need, income from additional effort may be retained and constitutes the strongest kind of economic incentive for rehabilitation; the public assistance supporters contending that destitution and the authority of the workers under a means test system may be used to drive the disabled to their salvation.

The position of the United States Chamber of Commerce and the other business groups at least has the merits of simplicity and

²¹ *Id.* at 840.

²² *Id.* at 836.

²³ As indicated, the effect of the methods of financing public assistance and social insurance upon the character of the benefit payments was emphasized in the debate. There was almost no discussion, however, of the methods of financing in terms of their character and incidence as taxes, in terms of their relationship to broader fiscal policy, or as a factor in contra-cyclical economics. We will analyze these in Section V — Economic Determinants of Welfare Policy.

consistency. With few modifications and disguises, it is a restatement of philosophy of the Elizabethan Poor Laws. Relief payments and the number of recipients must be kept at an absolute minimum. Otherwise, people will not continue freely in the labor market. Destitution is not the product of physical and social conditions. It is the product of inner forces revolving about weakness of character. It derives from lack of thrift, frugality, foresight or other moral virtues. It can be overcome, men can be driven to the proper conduct and economic activity by the lash of material want, humiliation and the social workers' authority. These attitudes, tools and facilities fall more easily into the social environment of public assistance than of social insurances; and hence, if we must have any new public programs at all, whether for the disabled or others, public assistance should be the method.

No such merits of simplicity and consistency, however, can be claimed for the position of the welfare, labor and official groups. They believe in aid as a matter of right but only for the recipients of social insurance, not for the beneficiaries of public assistance. They believe that the means test presupposes destitution, "scrutiny" of one's "personal affairs," and "restrictions from which others are free" and that a person's "resources . . . self reliance . . . dignity and self-respect" should be protected. They believe this, however, only for the recipients of social insurance, not for the beneficiaries of public assistance. They believe that the social security system should be so arranged that there is "reward for productive effort" "consistent with general economic incentives"; and that protection of "the material and spiritual resources of the disabled worker is an important part of preserving his will to work and plays a positive role in his rehabilitation." But they believe that only if it is applied to recipients of social insurance, not if it is applied to the beneficiaries of public assistance. If these features are desirable in one system, why are they not desirable in the other? Is there some difference in the deserving quality of the groups affected? Now that the disabled workers have been placed under public assistance, are these assertions about their motives any less true than before that decision was made?

III. CHARACTERISTICS OF SOCIAL INSURANCE AND PUBLIC ASSISTANCE—INHERENT OR INCIDENTAL

Are the beliefs thus expressed about the nature of public assistance and social insurance correct? Are the characteristics commonly conceded to each program necessarily and peculiarly a part of that program? Putting on one side the consideration of the desirability or undesirability of the features in question, are they inherent and indispensable or incidental and transferable aspects of the program to which they are said to belong?

The generally accepted answers to these questions are seldom returned directly. As has been seen, they were presupposed in the debates of 1950. They are presupposed, too, by almost all writers upon the subject. But however implicit and however couched in political overtones and terms designed to secure political acceptance of one or the other program, the general conclusion is that the characteristics are somehow inseparably connected with the program to which they are presently attached.

We are convinced that this is not so; that the characteristics attributed to the two programs—whether they are deemed desirable or undesirable—are not inherent and indispensable aspects of them. Indeed, the very features of social insurance which are lauded by its sponsors and condemned by its opponents—payment as a legal right, without means test and with economic and psychological incentives to rehabilitation—could be transposed to public assistance. Contrariwise, the characteristics attributed to public assistance—a means test individually applied to determine need and resources, and grants conditioned on rehabilitative effort and other approved behavior—could as easily be intruded into the social insurance system. As a matter of fact, this process of reciprocal exchange of supposed characteristics of the two programs has already begun, indeed began at the initiation of the programs.

Under the social insurance program, benefits are received as a matter of right. Does this result only from the provisions of the Social Security Act entitling persons to payment in specified circumstances? Is there some other foundation for the right? The right has been tied to premium payments, wages and past productive contribution. The relationship between benefits, on the one hand, and premiums, earnings and work, on the other, however, is so tenuous as to have led Alva Myrdal to characterize it as "the fiction of personalization and the palpable impression [by the workers] of their own participation."²⁴ Fifty per cent of the premiums are paid by the employer which he in turn may pass on to the consumer in the price of his product. As to that portion of the premium, therefore, the worker can derive no right. And in other ways, social insurance has drastically departed from the contributory principle. Allowances are granted to dependents, though premiums remain the same whether the worker has dependents or not. Schedules are arranged so as to give extra "unearned" aid to low income groups. The qualifying period has been shortened to reach persons whose premiums have not made them eligible. These basic departures from the contributory principle not only destroy the claimed relationship between premiums

²⁴ A. MYRDAL, NATION AND FAMILY 147 (1941).

and benefits, but also the relationship between what the worker pays in and his earnings. Earnings, in turn, of course, bear only the roughest relationship to productive work. As the disproportion is built up between benefits and premiums, between premiums and wages, and between wages and work, the claim that benefits are received as a matter of right because of the work record is weakened step by step. To the extent that benefits are not proportional to the premiums paid by the worker, to the extent that the workers' benefits are paid for by the employer, the consumer and other workers, the property of one person is taken for the use and benefit of another in the manner of all taxes. To that extent, too, an element of government subsidy has been introduced into the social insurance program, marking it with one of the supposed characteristics of public assistance, and thereby cutting away the foundation for the special claim of right.

Moreover, benefit payments made on the contributory principle should be made regardless of the retired worker's need, actual or presumed, or of income, earned or unearned. Yet, under social insurance, persons otherwise eligible for benefit payments who continue to work and who have earnings in covered industries of more than \$75.00 a month are rendered ineligible. Social insurance payments are thus conditioned on the amount or absence of earned income, a provision supposed to be characteristic of public assistance. Whatever the purpose of this condition—whether to withdraw people from the labor market as seems to be the purpose under old age and survivors insurance, or to give equitable treatment on a basis of need as is claimed to be the purpose under public assistance—the effect is the same: to discourage work by removing the economic incentives for it.

Considerable progress has been made also toward establishing aid payments as a matter of right under the public assistance programs. Some courts have said that eligible clients have the right to assistance. If they qualify within the rules, assistance is a debt owing to them.²⁵ The Federal Bureau of Public Assistance has officially declared "the right of eligible persons to receive assistance" to be "inherent in the requirements of the Social Security Act for the development and operation of state plans" for aid to the aged, blind and needy children.²⁶ Recipients have the right to retroactive payments. The agency is permitted only a specified administrative period to determine eligibility before its liability begins. The right to aid

²⁵ *Board of Social Welfare v. County of Los Angeles*, 27 Cal.2d 81, 162 P.2d 630 (1945).

²⁶ FEDERAL BUREAU OF PUBLIC ASSISTANCE, HANDBOOK OF PUBLIC ADMINISTRATION, Part IV, §2321.

in the form of cash was made one of the conditions of federal support. Other procedural safeguards fill out the content of the right: the right to prompt consideration (by the amendments of 1950), the right to appeal from decisions of workers to higher levels within the agency and to have a fair hearing on such appeals. Finally, the right of free movement is protected against inroads by excessive residence requirements in state public assistance laws and the right to be free from discriminations among United States citizens is made secure. However incompletely the right may be implemented, and however imperfectly the implications of the right may be realized in the administration of the program, the existence of the right and the character of its developing content cannot be denied.

Conceding the tenuousness of the distinction between public assistance and social insurance on the grounds asserted, some of the more astute defenders of social insurance and detractors of public assistance have sought to bolster their irreparably weakened position by insisting that there is "a valid distinction" "between an earned right, regardless of the relationship between contributions and benefits, and a legal right which is derived from society's responsibility to the destitute." Depending upon one's school of jurisprudence or philosophy there may be a "valid distinction" between such rights—between natural rights and those created by the state by positive enactment, between human rights and the mere products of statute. These distinctions, moreover, may be of importance if the two kinds of rights are in conflict and there is a question as to which should prevail. No such conflict, however, exists in this case. The relevance of such distinctions consequently is hard to discern.

If the "relationship between contributions and benefits" is not to be regarded but only the fact that the "right" is "earned" by "productive work", then all those on old age assistance, save only the few who have never worked, have the same foundation of right as those on social insurance. So long as the relationship between contributions and benefits is immaterial, the plea of the public assistance recipient that he "worked hard all his life" entitles him to aid by the same "earned right" that gives especial strength to the claim of the beneficiary of social insurance. Equally bona fide by this test, is the claim of the worker who has been disabled, no matter how or how soon after his employment began.

Moreover, if productive work is the determinative factor in establishing the right to aid on a legal basis greater than statute and a social foundation greater than society's responsibility for the destitute, then certainly special weight must be given to the circumstances of those who are kept out of the labor market so largely by social arrangements and public attitudes. This is the case of many

of the disabled. Do not they have a right which derives from the social barriers which prevent their engaging in productive labor? If the special sanctity of an earned right is built on productive work, is it not a reciprocal duty on the part of organized society to keep the path to the labor market free of socially created road blocks? If society fails to discharge this duty and men are thereby prevented from engaging in productive work, should not society compensate for its remissness and nonperformance by according a right of equal status to those who have thereby been denied access to the main social and economic channels of the community?

The special foundation claimed for the right to social insurance payments that they are an "earned" right derived from contribution to production through work but unrelated to the kind or amount thereof, thus is undermined by the fact that most of the old age recipients of public assistance have also contributed to production through work and by the obligation of society toward the many who are recipients of public assistance because society has denied them the opportunity to contribute to production. The fact, however, that there is a legal right to payment in both cases of social insurance and public assistance when eligibility is established under the rules, and that if there were not it could be created by a simple change in the statute at any time, destroys the claimed basic character of the distinction between the two programs.

In his message to Congress proposing an expansion of the social insurance program, President Eisenhower further revealed the weakness of the special claim of right based on the relationship of benefits to premiums, earnings and work. He recommended that, in computing a worker's average monthly wage, "the four lowest years of earnings be eliminated." "Otherwise," argued the President, "the level of benefits is reduced below its true relation to the earning capabilities of the employee." Thus, it is no longer earnings but "earning capabilities" that establishes the right to payment under Old Age and Survivors' Insurance. Elsewhere in the message, the justification for Old Age and Survivors' Insurance abandons the fiction of a special foundation for the right altogether. The Old Age and Survivors' Insurance program was created "in response to the need for protection arising from the complexities of our modern society . . ." It was designed "to reduce . . . the fear and the incidence of destitution" and "to promote the confidence of every individual in the future." This argument is of course equally applicable to public assistance and, in fact, is commonly so applied.

The means test and the mode of encouraging rehabilitation are likewise independent of the program. Whether a system of individual need individually determined is employed or a system of group need

established by lack of income or presumed from loss of earning power due to disability or age should be determined by the individual merits of these systems and not by any necessary linkage of one or the other to social insurance or public assistance. Either may be, and to some extent has been, employed in social insurance. The same is true of the two proposed methods of encouraging rehabilitation. Whether the system of incentives based on retention of some resources, dignity and income is adopted, or, alternatively, a system of humiliation, destitution and authoritarian controls, turns on their relative merits in accomplishing the rehabilitative objective; and either may be used quite regardless of whether accompanying payments are made under social insurance or public assistance. Finally, the same is also true of the method of financing. There is nothing peculiar about public assistance which ties it inseparably to general fund or special tax financing, and nothing about social insurance which ties it necessarily to contributions by employers and employees as the means of raising money for the benefit payments. The employer-employee contributions are compulsory exactions: in other words, they are taxes among other taxes. Consequently, the relative merits of the two methods of financing must be measured in tax and fiscal terms—where does the burden of payment finally rest? Which method is the more regressive? Which method is the better adjusted to contra-cyclical fiscal and economic policy?

We conclude, therefore, that the common beliefs about the nature of public assistance and social insurance, attributing to each program certain inherent and indispensable characteristics, are not correct. Benefit payments under social insurance are received as a matter of right. The right, however, is statutory in nature arising from the provisions of the Social Security Act specifying the conditions of eligibility and the time and amount of payments. The right does not arise from any other foundation such as the relationship of benefits to premiums, wages and work. There is also a statutory right to public assistance which, however, is diluted by the discretion vested in administrators and case workers relative to eligibility and grant. The means test is not necessarily a part of public assistance and might be transferred to old age and survivors insurance or eliminated altogether from both programs. The method of financing the program does not determine the character of the benefit and must be measured in tax and fiscal terms. Psychological and economic incentives to work, self-improvement and rehabilitation, or alternatively, destitution, humiliation and authoritarian controls, may be attached to either public assistance or social insurance or to neither.

Since each and all of these features are not inherently associated with the program to which they are presently attached, and since

any one of them or any combination of them might be withdrawn from their present setting, transferred to the other program, or established in some new social security arrangement, we are free to examine them individually and collectively from the standpoint of their desirability or undesirability as elements in social policy. It is to this task that we now turn.

As indicated earlier, the standards of judgment will be drawn from the fields of political science, economics and psychology. What then, are the psychological assumptions, the economic and political theories within which welfare policy must be evaluated and from which a coherent and wise public aid or social security system may be deduced?

IV. AMERICAN POLITICAL ASSUMPTIONS AND GOALS

1. *What are they?*

The famous Swedish sociologist, Gunnar Myrdal, in his well-known study of American life—*An American Dilemma*—published in 1944, wrote as follows: "America, compared to every other country in Western civilization . . . has the most explicitly expressed system of general ideals in reference to human inter-relations. This body of ideals is more widely understood and appreciated than similar ideals are anywhere else. The American creed is not merely—as in some other countries—the implicit background of the nation's political and judicial order as it functions."²⁷

". . . These principles of social ethics have been hammered into easily remembered formulas. All means of intellectual communication are utilized to stamp them into everybody's mind. The schools teach them, the churches preach them, The courts pronounce"²⁸ them; editorials are permeated with them. They are espoused as common social ideals by "the rich and secure, out of pride and conservatism," and by "the poor and insecure out of dire need."²⁹

The task of stating American political assumptions and goals is complicated by a number of facts and factors. Major American political principles, such as the dignity of the individual, liberty, equality and private property, are so intermingled and overlapping that it is difficult to separate any one of them out for single treatment.

Emphasis on the various elements has shifted at different periods in our history, in the documents which have embodied and expressed different movements, forces, and times, and among the prominent

²⁷ G. MYRDAL, *AN. AMERICAN DILEMMA* 3 (1944).

²⁸ *Id.* at 4.

²⁹ *Id.* at 13.

political writers and speakers. Equality was the dominant note in the Declaration of Independence. Property assumed relatively a stronger position in the Constitution. During the 19th century when fortune and geography gave the nation military safety, and free land and the open frontier gave individuals a sense of economic safety, security was assumed and liberty was elevated into a primary position. Today, as Ralph Henry Gabriel writes, "When the traditional foundations of culture crumble . . . when government by law gives way to government by irresponsible force, the preoccupation with liberty as an end in itself is replaced by a new search for security, mental, social, economic, and even physical."³⁰

Sometimes, indeed, going far beyond mere shifts in emphasis, the elements are presented as irreconcilably contradictory. Read for example this passage from William Graham Sumner: "Let it be understood that we cannot go outside this alternative: liberty, inequality, survival of the fittest; non-liberty, equality, survival of the unfittest. The former carries society upwards and favors all its best members; the latter carries society downwards and favors all its worst members."³¹

Finally, the task of stating American political principles is made difficult by the fact that they are not fixed and immutable as the laws of the Medes and the Persians were reputed to be. To the extent that they are a living reality in a developing democracy, they are constantly growing, maturing and changing. Every generation, every decade is a formative period in the constitutional life of the nation. In our generation, the creative interpretation and application of American political principles in the sphere of international organization and in the social and economic sphere are in process.

Yet, despite these difficulties in stating them, the major elements in this set of widely accepted and persistently enduring political principles and social ethics are identifiable and subject to description and characterization. The "easily remembered" formulations can be found in the landmark documents of our history. These documents not only express and embody movements and periods of the past but are as well basic forces of government in the present and for the future. They include the Declaration of Independence, the Northwest Ordinance, the Preamble to the United States Constitution, the State constitutions, the Civil War amendments to the United States Constitution, the more famous pronouncements of the United States Supreme Court, the Atlantic Charter and the United Nations Charter, The United Nations Charter, while it is the organic docu-

³⁰ GABRIEL, THE COURSE OF AMERICAN DEMOCRATIC THOUGHT 22 (1940).

³¹ SUMNER, THE CHALLENGE OF FACTS AND OTHER ESSAYS 25 (Keller, ed. 1914).

ment of the United Nations, is also an organic treaty of the United States. It is therefore also a basic American document.

Relying on these sources, we shall examine the formulations for the dual purpose of identifying their generally accepted irreducible content and determining its application to contemporary public welfare problems and programs.

(a) *Liberty*. In American political thought, liberty has many aspects and sources. It is both positive and negative. It is political, economic, personal, and, in a broad sense, social. It is founded by some in positivism; by others, in natural law; by still others in moral law. It sets in equilibrium constitutionalism and democracy.

In part, liberty consists in protection against the will of the majority, no matter how regularly manifested and how lacking in oppressiveness or arbitrariness. In this aspect, it is embodied in an array of restraints on governmental action and the organized power of society. The existence of a constitutionally arranged governmental structure and distribution of powers, in fact, the existence of a constitution at all, implies a system of limited government. The Constitution, too, contains many explicit prohibitions on government. Though some exist elsewhere in the Constitution, the Bill of Rights and the other amendments are, of course a catalogue of these. Among them are the protection given life, liberty and property, the requirement of established and regular procedures by government, and the guarantee of immunity from unreasonable intrusions into the privacy of one's person, house, papers and effects. The many safeguards against improper conviction for crime refer not only to the technical aspects of criminal justice, but bespeak the basic right of personal freedom, i.e., freedom to move about as one pleases and to be not subject to surveillance and custodIALIZATION by the agents of the state. Likewise, freedom from slavery and peonage is decreed, implying not only self-ownership but free labor and the right to the rewards of labor.

A dominant part of American political thought has always been a notion that these rights, thus fixed in the Constitution, are the indivisible possessions of individuals even when not so guaranteed. Whether derived from natural law, moral law, higher law or various other concepts about the fundamental nature of man and society, this notion has found constant expression throughout our history. Its standard formulation is in the Declaration of Independence: "[T]hat [men] are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit

of happiness." These rights governments were instituted to secure and protect, not to create and confer.³²

The conception that rights which are regarded as very important are somehow natural rights or derive from a higher law results from a philosophic view which has lost much of its persuasion and support in recent decades. The Founding Fathers, however, and most American statesmen down through the Civil War Period, made it their starting point. Natural rights thus became inextricably woven into the fabric of American political thought and popular belief. They lurk just below the surface of many of our State papers, judicial pronouncements and political orations of today. Of those Americans who do not accept this particular philosophical conception most still insist upon the great importance and basic character of the rights proclaimed.

In the United Nations Charter, these rights are referred to as "human rights and fundamental freedoms."³³

So far, we have spoken of the constitutional side of constitutional democracy. The democracy side is a positive aspect of liberty. It has to do with the individual's right to participate in government, in the determination of social direction and policy. Its foundation is the doctrine of popular sovereignty and the consent of the governed. Its implementations are the right to suffrage, the right to seek and hold office and the right of the majority to rule. Its indispensable conditions are freedom of speech, press and assembly.³⁴

Liberty is positive in another phase besides that of the sovereignty of citizens of a republic. Government is responsible for the protection of the rights of the individual. This cannot be wholly achieved by the government itself refraining from invading them. It must prevent others from invading them. It must eliminate and control the conditions which nullify them or make their exercise impossible. It must foster, promote, establish and maintain the conditions which make their exercise possible and significant. This is especially true if the right is active rather than passive; if it involves

³² For illustrative statements of this doctrine see, Johnson and Graham's *Lessee v. McIntosh*, 8 Wheat 543, 572 (U.S. 1823); *STORY, MISC. WRITINGS* 74 (1835); Justice Matthews in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); Justice Cardozo in *Palko v. Connecticut*, 302 U.S. 319, 325, 328 (1937); see also Justice Murphy dissenting in *Yamashita v. Styer*, 327 U.S. 1, 26 (1946).

³³ U.N. CHARTER Art. I, §3.

³⁴ All of this was aptly summarized by Winston Churchill in his famous Fulton, Missouri, speech in March, 1946. "We must never cease to proclaim in fearless tones," he said, "the great principles of freedom and the rights of man, which are the joint inheritance of the English-speaking world, and which, through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury and the English Common Law, find their most famous expression in the American Declaration of Independence."

doing and not just being; acquiring and not just having; speaking and not just listening. Congress, as Webster declared in his famous debate with Hayne, is under an obligation to exercise the powers delegated to it in the Constitution for the purpose of achieving the objectives set forth in the Preamble of the Constitution—to "establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. . . ."³⁵

Men have a right to live, to personal freedom and personal security. They have the right to marry, have and rear children, and to maintain a home.³⁶ They have a right, so far as government can assure it, to that fair opportunity to earn a livelihood which will make these other rights possible and significant.³⁷ Men may not be bound to the place of their poverty and misfortune; they may move freely about the country in search of new opportunity.³⁸ They have a right freely to choose their fields of endeavor, unhindered by arbitrary, artificial and man-made impediments.³⁹ They have a right to enter the common trades, callings, and occupations of the community. They have the right, if they are free, to manage their own affairs as they see fit, unless and until there is interference with the equal rights of others to manage their affairs or there is injury to the welfare of the community.

"All this means that the people of any country have the right and should have the power by constitutional action, by free, unfettered elections, with secret ballot, to choose or change the character or form of government under which they dwell, that freedom of speech and thought should reign, that courts of justice independent of executive, unbiased by any part, should administer laws which have received the broad assent of large majorities or are consecrated by time and custom. Here are the title deeds of freedom, which should lie in every cottage home. Here is the contribution of the British and American peoples to mankind."

³⁵ Under the general power of the states, often called the "police power," wrote Justice Barbour in *City of New York v. Miln*, 11 Pet. 102, 139 (U.S. 1837), ". . . it is not only the right, but the bounded and solemn duty of a State to advance the safety, happiness and prosperity of its people, and to provide for its general welfare. . . ." Said Justice Field in *Barbier v. Connolly*, 113 U.S. 27, 31 (1884), ". . . neither the [14th] amendment—broad and comprehensive as it is—or any other amendment, was designed to interfere with the power of the state . . . to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources, and add to its wealth and prosperity."

³⁶ See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

³⁷ *Truax v. Raich*, 239 U.S. 33, 41 (1915). Justice Hughes there said, "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment [14th] to secure."

³⁸ *Edwards v. California*, 314 U.S. 160 (1941).

³⁹ *Truax v. Raich*, 239 U.S. 33 (1915); *Allgeyer v. Louisiana*, 165 U.S. 578 (1897).

"It is not enough," wrote the President's Committee on Civil Rights in 1947, "that full and equal membership in society entitles the individual to an equal voice in the control of his government; it must also give him the right to enjoy the benefits of society and to contribute to its progress. . . . Without this equality of opportunity, the individual is deprived of the chance to develop his potentialities and to share the fruits of society. The group also suffers through the loss of the contributions which might have been made by persons excluded from the main channels of social and economic activity.

The Atlantic Charter sets down as principles common to the national policies of Britain and the United States and as aspirations for the world, "improved labor standards, economic adjustment, and social security; . . . assurance that all the men in all the lands may live out their lives in freedom from fear and want."

The United Nations Charter enjoins the United Nations to work toward the solution of the problems of "an economic, social, cultural or humanitarian character,"⁴⁰ and "to promote social progress and better standards of life in larger freedom."⁴¹

(b) *The Dignity of Man.* Deeply imbedded in this conception of liberty is a democratic view of the individual, of his role in society, relation to the state, essential dignity and worth. It is the individual who possesses rights which are fundamental and inalienable. He is at the beginning and the end of the State. He organizes it and gives it authority. Its powers are conferred to protect his rights and to assure the conditions necessary for their maximum expression. The State exists for his benefit, not he for its. "In democratic society," wrote Charles Merriam, "regard for the dignity of man stands behind the throne of public order, a constant reminder of the need for liberty and justice as well as order, a constant plea that the human personality shall not be forgotten in the multiplications of laws, in the ramifications of administration or in the antiquarianism of formal justice. Other systems may, as lords, leaders, masters, teach respect for their serfs, their slaves, their subjects or their inferiors. Democracy breathes respect for all men and for their choice of a way of human life."⁴² Said James Truslow Adams: "The American dream that has lured tens of millions of all nations to our shores . . . has not been a dream of merely material plenty. . . . It has been a dream of being able to grow to fullest development as man and woman, unhampered by the barriers which had slowly been erected in older civilizations, unrepressed by social orders which had devel-

⁴⁰ U.N. CHARTER Art. I, §3.

⁴¹ U.N. CHARTER Preamble.

⁴² MERRIAM, THE NEW DEMOCRACY AND THE NEW DESPOTISM 84-85 (1939).

oped for the benefit of classes rather than for the simple human being of any and every class."⁴³

The same idea is essentially contained in the Preamble to the United Nations Charter which declares a purpose "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. . . ."

(c) *The Rights to Property and to Contract.* The rights to property and contract have likewise been regarded as fundamental in the American system. The right to property along with life and liberty is listed as one of the three great rights of all free men in Chapter 39 of the Magna Charta. It appears thus also in the American State Constitutions, early and late, in the Northwest Ordinance of 1787, in the United States Constitution, Amendments V and XIV, and elsewhere. Said Justice Chase in 1798, "There are certain vital principles in our free republican governments which will determine and overrule an apparent flagrant abuse of legislative power."⁴⁴ Justice Chase instanced as examples of such "abuse of legislative power" "a law that destroys, or impairs, the lawful private contracts of citizens; . . . or a law that takes property from A and gives it to B."⁴⁵ "The absolute rights of individuals," wrote Chancellor Kent in 1827 in his *Commentaries on the American Law*, "may be resolved into . . . the right to acquire and enjoy property."⁴⁶ The Civil Rights Bill of 1866 lists these four basic rights: "The right to make and enforce contracts," the right to buy, sell and own real and personal property, the right "to sue, be parties and give evidence" in court, and the right "to full and equal benefit of all laws and proceedings for the security of person and estate."

The rights to liberty, property and contract are interlocking if not interchangeable concepts. The right to contract is sometimes stated as an incident to the right to property; sometimes as an independent aspect of liberty. Property is described by some as sufficiently broad to incorporate all other rights of individuals, including liberty; (see the statement from Chancellor Kent quoted earlier) and liberty is often regarded by others as broad enough to encompass the right to acquire, use and enjoy property. The three rights of liberty, property and contract are thus intimately associated in American thinking. Compare, for example, the following two judicial statements. "[T]he right of property preserved by the Constitution," declared the Supreme Court of Illinois, "is the right not only to possess and enjoy it, but also to acquire it in any lawful mode or

⁴³ Quoted in G. MYRDAL, *op.cit. supra* note 27, at 5 and 6.

⁴⁴ Calder v. Bull, 3 Dall. 386, 388 (U.S. 1798).

⁴⁵ *Ibid.*

⁴⁶ 2 KENT, COMM. *1.

by following any lawful industrial pursuit which the citizen, in the exercise of the liberty guaranteed, may choose to adopt. Labor is the primary foundation of all wealth. The property which each one has in his own labor is the common heritage. And as an incident to the right to acquire other property, the liberty to enter into contracts by which labor may be employed in such a way as the laborer shall deem most beneficial, and of others to employ such labor, is necessarily included in the constitutional guarantee."⁴⁷ Thus, in this definition, property is the dominant element. In *Allgeyer v. Louisiana*, liberty was held to be, and embraced, ". . . the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation; and for that purpose to enter into all contracts which may be proper, necessary and essential to his carrying out to a successful conclusion the purposes above mentioned. . . . In the privilege of pursuing an ordinary calling or trade and of acquiring, holding and selling property must be embraced the right to make all proper contracts in relation thereto"⁴⁸

Like liberty with which they are thus so closely connected and intermingled, the rights of property and contract are subject to the regulatory power of the state. "We think it is a settled principle," said Chief Justice Shaw in *Commonwealth v. Alger*, "growing out of the nature of well-ordered civil society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it may be so regulated, that it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community."⁴⁹ Said Justice Roberts, in *Nebbia v. People*, ". . . neither property rights nor contract rights are absolute; for government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest. . . . this court [has] from the early days affirmed that the power to promote the general welfare is inherent in government."⁵⁰

Property and contract rights, therefore, are not unlimited; but on the contrary, are subject to public control in the public interests. They may be abridged, and, in some cases, destroyed altogether, if that is necessary to protect the community against injury or danger.

⁴⁷ *Braeaville Coal Co. v. People*, 147 Ill. 66, 71, 35 N.E. 62, 63 (1891).

⁴⁸ 165 U.S. 578, 589, 591 (1897).

⁴⁹ 7 Cush. (Mass.) 53, 84-85 (1851).

⁵⁰ 291 U.S. 502, 523-524 (1934).

in any form, against fraud, or vice, or economic oppression, or serious public inconvenience, or depression, or other disasters. The power to control is coextensive with the social and economic activities of men. It finds its limit in the nature of the acts forbidden or required and its justification in the direct relation of these acts to the public welfare or to the equal property rights of others.

The power of the state over property and contract rights, however, is not merely negative or incidental to the power to legislate for the health, safety, morals and general welfare of the community. The basic character of the right and the purpose of government regarding it cannot be minimized or ignored. That purpose, as in the case of liberty, is to protect and preserve, maintain and nurture the right. The power to regulate the use of property and contract, consequently, may not, save in very rare and special circumstances, be converted into the power directly to take property and contract rights. And in discharging its primary and affirmative duty with respect to these rights, the state must keep constantly in view the essential values of private property in our system. It is a central factor in the organization of society. It is an impelling source of motivation. It is a principal incentive for productive activity. It is a reward for labor and contribution. It is at once the object of individual enterprise and success and the means of achieving success. And contract is the form of expression and governing instrument, not only of most business activity, but as well of most of the transactions of daily life.

(d) *Equality.* Only second to liberty itself in our history has been the ideal of equality. In fact, equality has always conditioned liberty and determined its character just as liberty has always conditioned equality and determined its character. In the Declaration of Independence, the first of the "self-evident truths" is that all men are created equal; and all men are equally "endowed by their Creator with certain inalienable rights," "among which are life, liberty and the pursuit of happiness."

Alexis de Tocqueville, in 1835, described equality in America as "the fundamental fact from which all others seem to be derived and the central point at which all my observations constantly terminated." In his view, it gave "a peculiar direction to public opinion and a peculiar tenor to the laws; it imparts new maxims to the governing authorities and peculiar habits to the governed." It "extends far beyond the political character and the laws of the country, and . . . has no less effect on civil society than on the government; it creates opinions, gives birth to new sentiments, founds novel customs, and modifies whatever it does not produce."⁵¹

⁵¹ DE TOCQUEVILLE, DEMOCRACY IN AMERICA 3 (1945 ed.).

Equality, even more than liberty, stood in the forefront of the historic struggle in the nation to abolish property in man and the institution of slavery; and, along with liberty, emerged in the Civil War amendments to the Constitution. The Thirteenth Amendment, freeing men from slavery and nationalizing the right of freedom, nationally guaranteed what slavery denied: the equal right of all to enjoy protection in those natural rights which constitute freedom. The Fourteenth Amendment, in the three redundant clauses of Section I, re-embodied these same objectives and added an explicit guarantee of the equal protection of the laws, thereby adding another confirmatory reference to the self-evident truth that all men are created equal and are equally entitled to the protection of government in the enjoyment of their natural and inalienable rights.⁵²

The emphasis on equal rights and a conception of the individual founded on equality given in the contemporary period by the Atlantic Charter, Roosevelt's Four Freedoms, the United Nations Charter and by all writers and speakers on political subjects (see especially the speeches of Governor Stevenson and General Eisenhower in the 1952 Presidential campaign) carry this idea forward in our history and attest to the present day vitality and enduring importance of it.

Like liberty, equality has many phases. One of them relates to the doctrine of proper classification. The laws must be aimed at the achievement of a public and constitutional purpose. They may not be motivated by hatred, vengeance, favoritism or private gain. Legislation framed with a discriminatory purpose, manifesting "an evil eye and an unequal hand" contains an elementary antagonism to the idea of the equality of men. Once legislation is endowed with a public and constitutional purpose, it still must meet other tests. Because there are real differences among men, regulation would be altogether ineffective if it had to apply to all or none. The law must therefore be selective. But to be equal, it must treat all those similarly situated alike. The differences between men that underlie selection must be real differences and must bear an intimate relationship to the purpose of the law and valid social goals. All other differences are irrelevant and must be ignored.⁵³

Another phase of the idea of equality is the rule of law. If all men are created equal and equally possess certain rights, and if governments are instituted to secure and maintain those rights, and men

⁵² TENBROEK, *ANTI-SLAVERY ORIGINS OF THE FOURTEENTH AMENDMENT* (1951).

⁵³ *Takahashi v. Calif. Fish & Game Comm'n*, 334 U.S. 410 (1946); *Koitch v. Board of River Pilot Comm'rs*, 330 U.S. 552 (1947); *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *Tigner v. Texas*, 310 U.S. 141 (1940); *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); *Barber v. Connolly*, 113 U.S. 27 (1885).

therefore are equally entitled to such protection, the protection can only be afforded by uniform rule, i.e., by law. One way of putting this is the expression "Equality before the Law." Another way is in the celebrated words of the Massachusetts Bill of Rights: "That the government of the Commonwealth may be a government of laws and not of men." Thus, in this aspect, the doctrine of equality is in effect a command that the government act by established and regular procedures and by uniform rules. It is a command that the purely personal, the arbitrary, capricious and whimsical, be reduced and eliminated from the exercise of power. It is a command that the rules be fixed and announced in advance in a way which will make them freely and publicly available. It is a requirement of a degree of certainty and predictability in government action and of a system of rights growing out of uniform rules. It is finally an order that administrators as well as legislators act within these confines.

In still another phase, equality is not negative and procedural but positive and substantial. Anatole France referred to "the majestic equality of the laws which forbid rich and poor alike to sleep under the bridges, to beg in the streets, and to steal their bread." But the demands of equality are not met by the equal treatment which results from the absence of the laws or from the indiscriminate application of the laws to those who are dissimilarly situated. Moreover, the demands of equality are not exhausted by the doctrine of classification and the rule of law. The equal protection of the laws refers to the quality of the laws as well as to the mechanics of their operation. The reign of equal laws involves as well the reign of just laws, and the maintenance of equality in the enjoyment of rights is at the heart of the system of justice. Equality thus must be the very purpose of governmental action and policy as well as a test and measure of its means. It must "give direction to public opinion," determine "the tenor of the laws," impart "maxims to the governing authorities" and modify "whatever it does not produce."

Particularly is the government under a duty to guarantee equality of opportunity. Without that, freedom itself cannot last and becomes an illusion. The only aristocracy that a system founded upon equality can tolerate is an aristocracy of personal merit and achievement. Uniformity and regimentation, on the one hand, and status, influence and power based on birth, social position or inheritance on the other hand, are equally incompatible with equality. Equality of all men presupposes respect for the rights of others. In a society of equals, therefore, men are free to be different. All limitations on opportunity, all restrictions on the individual, based on irrelevant differences of race, color, religion, national origin, sex and the like, are in conflict with equality and must be removed and for-

bidden. Access to the main streams of community life, the aspirations and achievements of each member of society, are to be limited only by the skills, energy, talents and ability he brings to the opportunities equally open to all Americans.

Just as liberty and equality individually reveal many phases, so, in their inter-relationships, the two together are not only complex but are at one and the same time divergent and integrative. In one sense they are antagonistic or at least point in opposite directions. Equality implies the imposition of restraints on some in the interests of the many; on the strong in order to protect the weak; on the rich for the benefit of the poor; on the well-born to safeguard those without status. It implies a prohibition of excessive differences of power, wealth and prestige that tend to become permanent and self-perpetuating. On the other hand, liberty may be said to imply the continuous proliferation and augmentation of differences, i.e., to presuppose inequalities and to build upon them. In another sense, however, liberty and equality are not exclusive but complimentary. Equality without liberty is pointless. Liberty without equality is self-destroying and cannot long endure. If liberty for one may mean the suppression of liberty for another, liberty soon becomes "the privilege of a class," rather than "the possession of a nation." Liberty for all implies equal opportunity, equal justice and equal rights for all. "The recognition of the equality of human personalities," wrote Charles Merriam, "involves their freedom to develop; freedom of choice is indeed the very condition for the unfolding of the human personality and its progressive development."⁶⁴ Liberty and equality, thus, each constitute the indispensable condition for the other.

"The reason why American liberty was not more dangerous to equality," observed Myrdal, "was, of course, the open frontier and the free land. When opportunity became bounded in the last generation the inherent conflict between equality and liberty flared up."⁶⁵ In its historic context, social security, with its guarantee of a minimum standard of living to all Americans, may well prove to be the modern counterpart of the free land and the open frontier, psychologically, socially, economically and even politically.

2. *How do they apply to welfare?*

This then is the American creed. These are our political assumptions and goals. What would their application mean to public welfare? What are their implications for public assistance and social insurance? How do existing programs measure up to these norms? What do these norms tell us about the direction change should take

⁶⁴ MERRIAM, *op. cit. supra* note 42, at 259.

⁶⁵ G. MYRDAL, *op. cit. supra* note 27, at 9.

in the present reexamination of existing programs or when and if new ones are constructed?

To be consistent with the standards dictated by the basic principles of our political and constitutional system, welfare programs must:

(1) Allow men to manage their own personal affairs and proceed on the assumption that they are capable of doing so.

(2) Not only permit men, but stimulate and encourage them to develop their potentialities, share in the fruits of society, and contribute to its work and progress.

(3) And to do this, not only permit, but stimulate and encourage men to work, to engage in individual enterprise, to exercise free judgment and free movement in the search for opportunity, freely to choose their fields of endeavor and to enter the common callings, trades, occupations and professions of the community.

(4) To stimulate and encourage men to do these things by relying on the normal incentives, principal among which are financial remuneration and the improvement of one's economic lot and social status.

(5) Permit, stimulate and encourage men to acquire, enjoy and use property, real and personal, not just for immediate consumption purposes but as a motivational source of endeavor and a means of economic improvement.

(6) Protect the essential dignity of the individual: by recognizing the worth of the human personality and treating it as a community asset rather than a community liability; by supplying aid without humiliation, without undue intrusion into the privacy of the recipient, without imposing upon him the badges and indicia of a needy and special status, without subjecting him to the personal judgments of social workers influenced by humanity, charity, approval or other emotions; by making possible a standard and circumstance of living not conspicuously different from that enjoyed by the rest of the community; by leaving recipients free to make their own decisions as to spending, living arrangements and personal matters.

(7) If the demands of equality are to be met, aid must be granted as a matter of right, the element of personal discretion exercised by administrators and welfare workers must be eliminated, the amount and conditions of the aid must be specified in uniform rules made accessible to recipients and prospective recipients and sufficiently exact so that recipients may determine to what they are entitled and what their responsibilities are. Legislative and administrative standards must be established which are uniformly applied, which treat all welfare recipients alike who are similarly situated with re-

spect to a valid purpose of the welfare law, and which vary the amount and the condition of the grant when there are real differences among recipients in terms of their relationship to the welfare purpose. Finally, equality requires — as does liberty, the dignity of the individual and the essential notion of property — that the purpose of the welfare law be opportunity as well as security. Relief rolls should provide relief; but they must also provide the means of escape from them. Reintegration into society through open and equal access to the mainstream of community productive activity must be an object of welfare law and a measure of its adaptation if the fundamental political and constitutional principles of our system are to be honored in the fact as well as held out in the promise.

When tested by these standards, how do public assistance and social insurance fare? How do the contrasting principles said to separate and distinguish these two programs fare — means test versus aid as a right, rehabilitation by compulsion versus rehabilitation by incentive, general fund financing versus contributory insurance financing?

It can be seen immediately that the features which are associated with public assistance, except general fund financing, fly in the face of our political and constitutional principles.

(a) *Means test versus aid as a right.* Liberty in the direction of one's affairs, the whole basic principle of self-management, is violated by the means test. Under it, the individual recipient soon loses control of his daily activities and the whole course and direction of his life. The capacity for self-direction presently atrophies and drops away. It is the welfare agency rather than the individual which decides what wants shall be taken into account. It is the welfare agency which decides what needs shall be budgeted. It is the welfare agency which decides how much shall be allocated to meet each of them. The smallness, character and scrutiny of the budget result in a welfare agency domination of supposedly free consumption choice and a corresponding frustration of the principle of cash payments. It is the welfare agency, moreover, which decides what resources are to be treated as available for the individual's support and how he is to utilize them for that purpose. The agency tells him when, how and in what circumstances he can dispose of his property, what returns he must get, and the manner of its payment. In these circumstances, it is an idle formalism to say, as many state statutes and rules do say, that the payment is an over-all amount no part of which is required to be spent for any given purpose or that there shall be no dictation as to where and how a recipient shall live. The formal sanctions are there and are compelling. If the recipient does not live up to the conditions and do so with alacrity, he may be removed from the rolls

or have his budget reduced. The alternatives are thus obedience or starvation. The informal sanction — consisting of the social worker's participation in the recipient's affairs — are also there and are no less continuing and impressive than the formal. With each new item budgeted or eliminated, with each new resource tracked down and evaluated, the social worker's influence increases. This is an inevitable concomitant of the means test. It results from the nature and extent of the system. It is bred and nourished by the provisions of the statutes and the rules issued under them. It is in the flexible joints of the cumbersome machinery. It is in the detail and intimacy of the investigation. It is in the inescapable confinements of the budget. It is in the idleness, defeatism and waning spirit of the recipient. Whatever the social worker's wishes and intentions, her hand becomes the agency of direction in his affairs. The "concern of assistance with the whole range of income," wrote Karl DeSchweinitz, "always contains a threat to the freedom of the individual. Even when there is no conscious intent to dictate behavior to the beneficiary, the pervasive power of money dispensed under the means test may cause the slightest suggestion to have the effects of compulsion. 'Whose bread I eat, his song.'"⁵⁶

Not only is liberty violated by the means test but so also is dignity and equality — and for many of the same reasons. Dignity is jeopardized by the initial financial investigation, by the searching inquiry into every intimate detail of need, living habits, family relations, by the setting up of a detailed budget of expenditures subject to repeated examination and review, by the continuously implied and often explicit threat that if behavior is uncooperative or unapproved, aid will be reduced or stopped, by the wholesale substitution of agency and social worker controls for the personal direction of personal affairs, by the unwarrantable intrusions into privacy involved in each of the foregoing and the galling humiliation of the whole process, and, finally, by the constant tendency of the whole system to push living standards down below a minimum of decency and health.

The excessive individualization of the whole design and process of means test aid is fundamentally antithetical to the idea of equality. A system which makes so much depend upon a minute examination of every aspect of the individual's situation necessarily involves personalized judgments by officials and invites arbitrary and whimsical exercises of power, prevents the enforcement of a uniform rule even when the legislative provisions and administrative regulations are detailed and exact, renders it impossible for the recipient himself

⁵⁶ DE SCHWEINITZ, PEOPLE AND PROCESS IN SOCIAL SECURITY 56-57 (1948).

to determine to what he is entitled, constitutes the very thing intended to be prevented by the idea of a "government of laws and not of men", and flies in the face of basic requirements of proper classification. Since with respect to the purposes of public assistance law most individuals are parts of groups standing in the same relationship, those who are similarly situated are not treated alike and real differences are frequently disregarded. Thus, for example, for complying with the purpose of providing a minimum standard of living, disability and absence of income, or age and absence of income (the latter can easily be determined from income tax returns) are the factors of relevance in determining eligibility. Equality requires that all who possess them should be treated alike. In this regard, means test aid stands in striking contrast not only to the requirements of equality but also to the manner in which assistance is granted to other groups: to youth by public education; to farmers by parity payments and other assistance; to industrialists and others by tariffs; to labor by minimum wages. In none of these cases is aid granted by an individual means test or by an invasion of rights of self-management in personal affairs. Assistance is upon a group basis, with need determined or presumed from characteristics of the group or situation in which they find themselves and with allocations of aid upon a fixed grant formula. This is also the method established in social insurance.

Means test aid also violates the notion of individual opportunity, access to the mainstream of community productive activity and normal economic incentives. Since means test aid requires that all income and resources of the recipient be applied to meet his current needs, and since the public assistance grant is reduced by the amount of any such available income or resources, the usual financial motive for effort and endeavor is removed from the recipient unless the recipient can gain enough and with sufficient certainty to be independent of the relief rolls. This point, which will be further analyzed below in the section on Rehabilitation, is the basis of the provision in OASI that beneficiaries may earn up to \$75.00 a month without reduction in or loss of their grant. The relationship of the principle of exempt earnings to fundamental American precepts was clearly recognized and cogently stated in President Eisenhower's message to Congress under date of January 14, 1954. "By depriving an Old Age and Survivors Insurance beneficiary," the message states, "of his benefit payment in any month in which he earns wages of more than the \$75.00, present law imposes an undue restraint on enterprise and initiative. Retired persons should be encouraged to continue their contributions to the productive needs of the nation. I am convinced that the great majority of our able-bodied older citizens are happier

and better off when they continue in some productive work after reaching retirement age. Moreover, the nation's economy will derive large benefits from the wisdom and experience of older citizens who remain in jobs commensurate with their strength." President Eisenhower therefore recommended to Congress that it change the Old Age and Survivors Insurance provisions so that "the first \$1,000 of a beneficiary's annual earnings be exempted under the retirement test, and that for amounts earned above \$1,000, only one month's benefit be deducted for each additional \$80 earned."

Granting aid as a matter of right contradicts practically all of the tendencies inherent in the means test and produces a system more consonant with the political and constitutional assumptions and goals of American democracy.

Aid as a matter of right requires the establishment of fixed and uniform rules specifying the terms and conditions of the grant. Thus the principal features of the system must be laid down by the legislature. This contrasts with the means test variable grant, based on individual need individually determined by the administrative agency under discretionary authority conferred by the legislature. Those who are similarly situated are therefore necessarily treated alike and under standards comparable with those governing assistance to other groups in the community.

Granting aid as a matter of right protects the liberty of the individual to manage his own affairs and conduct his daily life free of authoritarian controls and caseworker supervision.

It protects the dignity of the individual. He is treated as a member of a class entitled to be dealt with in a manner determined by law, not by individualized administrative discretion. The occasion is eliminated for invasion of the individual's privacy, supervision of his personal behavior and humiliating probing into the intimacies of his life; and a seminal principle is established which stands as a barrier to all such actions.

(b) *Rehabilitation by compulsion or incentive.* President Eisenhower's message of January 14, 1954 (quoted earlier) contains the arguments for and the means to implement a public welfare system which would and can enable and encourage recipients to remain active: — men are "happier and better off" if they have a sense of usefulness and contribution; the productive needs and economy of the nation are served thereby; men should be encouraged to mitigate their destitution and raise their living standards by their own "enterprise and initiative." The method to be employed was extending to public aid recipients the normal incentive of economic gain and improvement of one's lot.

In his message President Eisenhower advanced these arguments and proposed to expand the method with respect to aged recipients of public welfare. In the light of American political assumptions and goals, the arguments are unanswerable and the method beyond reproach. But if this is true with respect to the aged, how much more strikingly is it so with respect to the recipients of public assistance who are disabled and not aged?

Nor are the disabled an insignificant group of the recipients of public assistance. Last year, the nation paid out more than \$430,000,-000 for the support of disabled persons upon public assistance rolls. Among these were 144,000 disabled parents whose 378,000 needy children received aid to dependent children, 170,000 who received aid to the permanently and totally disabled, 98,000 who received aid to the blind and 182,000 disabled recipients of general assistance.⁶⁷ For these hundreds of thousands of persons, opportunity for self-support and eventual escape from the relief rolls involves not only emphasis upon the elements propounded by President Eisenhower with respect to the aged but, in addition, a public welfare system adjusted to the concept of rehabilitation and geared to the effectuation of its ends.

Public assistance is not so adjusted and geared. In fact, its principal features are such that they retard and often positively prevent rehabilitation.

Rehabilitation is a complex process in which mental and attitudinal elements preponderate. It involves myriad adaptations and readjustments which are not merely physical but social and psychological as well. In effect, the whole personality must be reconstructed. A rebirth, a new act of creation, must be wrought. Hope, self-reliance, and ambition are basic ingredients. All of this cannot be accomplished by the blunt tools of force and coercion. Integrity of personality cannot be built upon a foundation of humiliation. Stimulation, guidance, example, and, above all, a careful system of incentives are the deli-

⁶⁷ Howard A. Rusk, N. Y. Times, Jan. 10, 1945, pt. 1, p. 73, "[N]early one out of every five," continues Dr. Rusk, "of the 61,308 disabled persons rehabilitated last year under the state-federal rehabilitation program received public assistance. It cost \$6,300,000 to rehabilitate these 12,000 recipients of public assistance and place them in jobs. But it would have cost \$8,000,000 to have kept them on public assistance for just one more year.

"In addition, many more of the 61,000 rehabilitated last year would eventually have been forced to seek public assistance if they had not been put back in shape to work and placed on jobs before the effect of disability had exhausted their savings. These 61,000 will pay Federal income taxes at an estimated annual rate of \$10,000,000.

"Thus in a little more than two years they will pay back in Federal income taxes alone the entire \$23,000,000 that the Federal Government invested in their rehabilitation. During their working years they will pay back in Federal income taxes \$10 for every \$1.00 the Federal Government invested in them."

cate instruments of success. A system of aid like the means test system which continually impresses upon the recipient a sense of his helplessness and dependency, which withdraws from him the daily experience of the management of his own affairs, and which enshrouds him in an atmosphere of custodialism and guardianship, saps the fiber of self-reliance, undermines hope, deters self-improvement and destroys the very independence which is indispensable to salvation.

The forces opposed to rehabilitation are set in motion at the very beginning of the process by delay and slowness encountered in the approval of the original application. When a disabled person applies for aid, he is already in need. He has decided to seek aid knowing that other sources of income, if any, are inadequate to support him. Typically, he is faced with a waiting period of weeks or even more while eligibility is established. This cannot be otherwise so long as social workers are required, under the means test, to scrutinize with rigorous care every item of income, every source of personal or real property, and every responsible relative. Retroactive payments rarely compensate for the entire delay and, even if they are granted, they do not make up for the privation, fear and insecurity endured before the grant is approved. Rehabilitation is made more difficult by the damage to morale and health.

Once the applicant has become a recipient, the smallness of the grant continually hinders and prevents rehabilitation. The blighting quality of gross material inadequacy cannot be over-emphasized. Destitution is a poor foundation from which to accomplish the difficult task of self reconstruction, economic, social and psychological. Yet destitution is made a condition of eligibility for public assistance. Poverty begets only poverty, stultifies the personality and stifles ambition.

Adequacy of individual payments is vital, not only maintaining life at a human and decent level, but also in protecting or restoring self-respect, confidence and feelings of social worth without which vocational rehabilitation is psychologically unattainable. A person who by virtue of social provision dresses, eats and is housed in a manner markedly inferior to others in the community, is confirmed in feelings of depression and inadequacy and is bound to sense that society places little value on his individual life.

Rehabilitation effort is struck still another blow by the means test requirement that a recipient utilize all his property and income to meet his current needs. Both on the theory that it is frequently as cheap or cheaper to maintain people in their own homes than to rent houses for them and on the theory that a home is used to meet current needs, ownership thereof is permitted. So, too, with house-

hold goods and personal effects. Small amounts of cash may be retained on the theory that they are needed to meet emergencies. All other property and income resources must be treated as available for the recipient's support and must be so used. For the rehabilitable, the utilization requirement has a strong tendency to perpetuate them on the relief rolls and to continue them in dependency. Reasonable accumulations of personal property, if not required to be applied to the meeting of immediate needs, may be used as stepping stones to independence of the relief rolls. The raw materials and stock of a craft workshop, the merchandise of a vending stand, the books and equipment of the new fledged lawyer or osteopath — all these represent more personal property than means test allows, and all are weapons in the hands of the disabled person in the difficult fight for self-supporting status.

Retention of reasonable amounts of income, especially earned income, also performs a vital function in the rehabilitative process both for its incentive value and as a means of moving from public aid to self-support. The Congressional amendment of 1950 requiring the states to disregard for all purposes \$50 a month of a blind recipient's earned income is based precisely on that principle. The amount of exemption may be criticized as insufficient, but the existence of the exemption in any degree is an exact contradiction of the means test and all of its basic implications, as it and they are understood and practiced.

The responsibility of relatives for the support of aid recipients is another means test principle very detrimental to rehabilitative effort. In the case of many disabled recipients, still youthful and in the productive years of life, the responsible relatives are the parents, now advancing or advanced in years and facing serious problems of support in their own old age. In whatever form it exists, enforcement of financial responsibility of relatives depends upon the recipient's willingness to play an active role as reporter to the welfare agency. He is thus frequently confronted with a hard choice: either to allow payments to become smaller than promised, fluctuating and uncertain; or to create or increase family tension, resentment and bitterness by reporting contributions as they actually were made. Relatives' responsibility forces the disabled person, through legal, economic pressures to maintain a dependent relation and often a common dwelling with relatives instead of encouraging him and enabling him to strike out on his own. Natural family feelings of sympathy and well wishing, when they do exist, are often transformed into resentment as the relative — ordinarily not well off and loaded with other family responsibilities — faces the addition of a compulsory and apparently never-ending contribution. For the disabled person, even

if he retains the good will of the relative but more so if he does not, the dependence is continual, frustrating, spirit-breaking and utterly demoralizing. Such arrangements are not only hostile to the preservation of individual privacy and dignity; they are fatal to setting up and carrying out a step by step plan for self-support.

From what has been said so far, it can be seen that associated with the means test is a tendency to add moral and behavioral requirements to the basic qualification of need. That tendency manifests itself in the action of individual case workers. It colors the entire administration when it expresses prejudices and attitudes common to the community. In addition, however, such requirements are often contained in the law itself. Some state laws invoke drunkenness, criminal record and vicious habits as causes for withholding aid regardless of present need. Begging or the public solicitation of alms is very commonly proscribed in aid laws. Some state laws condition aid on willingness to accept medical treatment.

Of a piece with all of these requirements is the stipulation that aid be denied if the applicant refuses to undergo rehabilitation training. This is a punitive rather than a positive approach to the problem of rehabilitation. It is in the tradition of compulsory baths at the shelters for vagrants maintained by charitable societies — "A bath should be compulsory and there should be proper provision for the destruction of vermin and the fumigation of clothing"⁵⁸ — and of vaccination required by the Relief and Aid Society of Chicago before it would relieve the unemployed in the depression of the 1870's.⁵⁹

All such requirements run afoul of the proposition that morality cannot be legislated. But even more than that, as has been observed: "You cannot . . . condition assistance upon behavior and still use it to bolster the individual's freedom of action and feeling of independence."⁶⁰ If an action is socially important enough to be compelled, it should be legislated separately, dissociated from economic aid. Compulsory school laws are to be preferred to conditioning assistance on school attendance. If this approach is not followed, those under the greatest economic pressure to surrender their independence succumb and the goal of a free society is lost. Only if an individual is mentally or morally irresponsible should society give him a legal guardian.

TO BE CONCLUDED IN MAY

⁵⁸ RICHMOND, *THE GOOD NEIGHBOR IN THE MODERN CITY* 85-86 (1911).

⁵⁹ FONER, *HISTORY OF THE LABOR MOVEMENT IN THE UNITED STATES* 447 (1947).

⁶⁰ A. Delafield Smith, *Community Prerogative and the Legal Rights and Freedoms of the Individual*, Social Security Bulletin, Aug. 1946, pp. 6, 7.

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